

352.0773
M750
1900

Manila

Melville S. Howe

LIBRARY OF THE
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

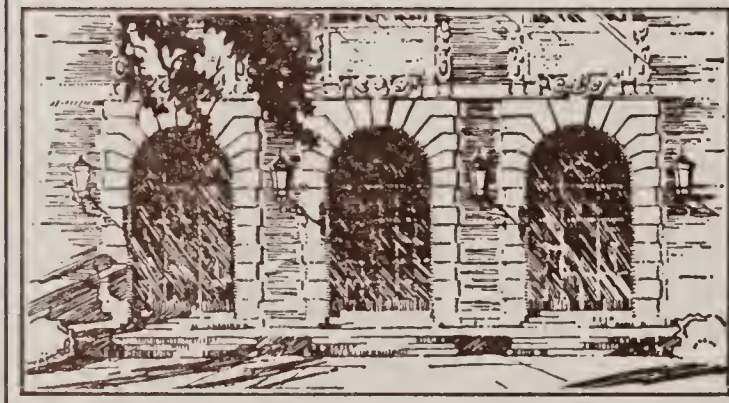
IN MEMORY OF
STEWART S. HOWE
JOURNALISM CLASS OF 1928
STEWART S. HOWE FOUNDATION

352.0773

M750

1900

I.H.S.





... THE ...
MUNICIPAL CODE
OF
MONMOUTH,

COMPRISING
THE LAWS OF ILLINOIS RELATING TO THE
CITY OF MONMOUTH

AND THE
ORDINANCES OF THE CITY COUNCIL,
CODIFIED AND REVISED

AND
PUBLISHED BY AUTHORITY OF THE
CITY COUNCIL.

23

MONMOUTH, ILL.:
REVIEW PRINTING COMPANY
1900.

Published November 22, 1900.

1900

Albion
Historical
Society

From the Date of its Incorporation, 1852.

[illegible]

OFFICERS OF THE CITY GOVERNMENT
OF THE
CITY OF MONMOUTH.

WILLIAM A. SAWYER,
Mayor and President ex-officio of the City Council.
Telephone—Office, 170; Residence, 157.

J. S. CANNON,
City Clerk and ex-officio Clerk Board of Health.
Telephone—Office, 28.

I. M. KIRKPATRICK,
City Attorney and Corporation Counsel.
Telephone—Office, 78.

ALDERMEN.

	Term Expires.
First Ward--J. R. Hickman*	May, 1901
J. M. Torrance	May, 1902
Second Ward—Allen Dunn, ...	May, 1901
J. N. Herdman, ...	May, 1902
Third Ward—Jno. VanSteenwyk, ...	May, 1901
H. H. Bates, ...	May, 1902
Fourth Ward—J. P. Moore, ...	May, 1901
James Costello, ...	May, 1902
Fifth Ward—Charles Lee, ...	May, 1901
N. D. Bowker, ...	May, 1902

*Resigned November 5, 1900.

FINANCE.

Finance Committee—Hickman, Bates, Moore.

Auditing Committee—Bates, Lee, Costello.

City Treasurer, ... E. E. Hanna

City Collector, ... E. J. Clarke

Telephone—Residence, 1303.

FIRE DEPARTMENT.

Engine House No. 1—City Building, East First Avenue.

Telephone 1.

Engine House No. 3—D Street and Sixth Avenue.

Fire Committee—Lee, Moore, Herdman.

Chief Fire Marshal, ... C. F. Buck

Telephone - Residence, 4.

First Assistant Fire Marshal.

Second Assistant Fire Marshal, ... C. E. Tracey

Telephone—Residence, 169.

Custodian Hose Wagon, ... Richard Gordon

Custodian Hook and Ladder, ... T. A. Wilcox

Custodian Chemical Engine, ... G. A. Claycomb

Custodian Chemical Engine, ... LeRoy Shehi

Custodian Engine House No. 3, ... Samuel Liby

HEALTH DEPARTMENT.

Sewer Committee—Dunn, Costello, Torrance.

Health Officer, ... F. E. Wallace, M. D

Telephone—Residence, 1181.

Member Board of Health, ... D. D. Dunkle

Member Board of Health, ... J. C. Irwin

Mayor and City Clerk members ex-officio.

Sewer and Plumbing Inspector, ... J. Ed. Miller

Scavenger, ... Joseph G. Smilie

BOARD OF LOCAL IMPROVEMENTS.

President, ... Mayor W. A. Sawyer

Secretary, ... J. Ed. Miller

Member, ... A. W. Ryan

WATER WORKS DEPARTMENT.

Pumping Station—North Sixth Street and Clinton Avenue.

Telephone 3.

Water Works Committee—Moore, Hickman, Lee.

Superintendent,	C. L. Eby
Telephone—Residence, 7.	
Engineer,	C. J. Anderson
Engineer,	Thos. Torrance

STREETS, ALLEYS AND PARKS.

Committee—Hickman, Dunn, Herdman.

Superintendent of Streets,	A. W. Ryan
Telephone—Residence 178.	
City Engineer,	J. Ed. Miller
Telephone—Residence, 168.	

POLICE DEPARTMENT.

Police Station—North Main Street and Archer Avenue.

Telephone, 5.

Police Committee—Costello, Torrance, Dunn.

City Attorney,	I. M. Kirkpatrick
Telephone—Office. 78.	
Police Magistrate,	Geo. E. Cox
Telephone—Residence, 167.	
City Marshal,	A. B. Holliday
Telephone—Residence, 166.	
Sergeant of Police,	G. W. Morrison
Policeman,	J. T. Graham
Policeman,	Wilson S. Gates
Policeman,	Frank L. Hill
Policeman at Court House,	Harry Cecil

MONMOUTH CEMETERY.

North Sixth Street.

Committee—Herdman, Bowker, Van Steenwyk.

City Sexton,	W. E. Stone
Telephone—Residence, 8.	

STREET LIGHTING.

Light Station—B Street and Fifth Avenue.

Committee—Torrance, Van Steenwyk, Bowker.

MISCELLANEOUS.

Committee—Van Steenwyk, Lee, Bates

City Scales—North First Street and Archer Avenue.

Weighmaster, ... H. C. Mark

Oil Inspector, ... Rev. A. Johnson

Inspector Weights and Measures, ... Louis A. Kobler

CONSTITUTIONAL PROVISIONS

In Relation to City Governments.

ARTICLE IV.

SECTION 4. No person who has been, or hereafter shall be, convicted of bribery, perjury, or other infamous crime, nor any person who has been or may be a collector or holder of public moneys, who shall not have accounted for, and paid over, according to law, all such moneys due from him, shall be eligible to the general assembly, or to any office of profit or trust in this state.

§ 22. The general assembly shall not pass local or special laws in any of the following enumerated cases, that is to say:
for * * * * *
incorporating cities, towns, or villages or changing or amending the charter of any town, city, or village.

* * * * *

Creating, increasing or decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed.

§ 23. The general assembly shall have no power to release or extinguish, in whole, or in part, the indebtedness, liability, or obligation of any corporation, or individual, to this state, or to any municipal corporation therein.

§ 28. No law shall be passed which shall operate to extend the term of any public officer after his election or appointment.

ARTICLE V.

SECTION 25. All civil officers, except members of the general assembly, and such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm as the case may be), that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability.

And no other oath, declaration, or test shall be required as a qualification.

ARTICLE VIII.

SECTION 3. Neither the general assembly, nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation, or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant, or donation of land, money, or other personal property ever be made by the state or any such public corporation, to any church or for any sectarian purpose.

ARTICLE IX.

SECTION 9. The general assembly may vest the corporate authorities of cities, towns and villages with power to make local improvements by special assessments, or by special taxation of contiguous property, or otherwise. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such taxes shall be uniform in respect to persons and property, within the jurisdiction of the body imposing the same.

§ 10. The general assembly shall impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes, but shall require that all the taxable property within the limits of municipal corporations shall be taxed for the payment of debts contracted under authority of law, such taxes to be uniform in respect to persons and property, within the jurisdiction of the body imposing the same. Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

§ 11. No person who is in default, as collector or custodian of money or property belonging to a municipal corporation, shall be eligible to any office in or under such corporation. The fees, salary, or compensation of no municipal officer who is elected or appointed for a definite term of office, shall be increased or diminished during such term.

§ 12. No county, city, township, school district, or other municipal corporation, shall be allowed to become indebted in any manner or for any purpose, to an amount, including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes, previous to the

incurring of such indebtedness. Any county, city, school district, or other municipal corporation, incurring any indebtedness as aforesaid shall, before or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years from the time of contracting the same. This section shall not be construed to prevent any county, city, township, school district, or other municipal corporation from issuing their bonds in compliance with any vote of the people which may have been had prior to the adoption of this constitution in pursuance of any law providing therefor.

ARTICLE XI.

SECTION 4. No law shall be passed by the general assembly granting the right to construct and operate a street railroad within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

MUNICIPAL SUBSCRIPTIONS TO RAILROADS, ETC.

No county, city, town, township or other municipality, shall ever become subscriber to the capital stock of any railroad or private corporation, or make donation to or loan its credit in aid of such corporation: PROVIDED, however, that the adoption of this article shall not be construed as affecting the right of any such municipality to make such subscriptions where the same have been authorized, under existing laws, by a vote of the people of such municipalities prior to such adoption.

STATUTES

Relating to the Government of the City of Monmouth.

An Act to Provide for the Incorporation of Cities and Villages.
Adopted by the City of Monmouth, April 3d, 1882.

ARTICLE I.

THE ORGANIZATION OF CITIES.

1. **How City may Incorporate under this Act.** § 1. That any city now existing in this state may become incorporated under this act in the manner following: Whenever one-eighth of the legal voters of such city voting at the last preceding municipal election, shall petition the mayor and council thereof to submit the question as to whether such city shall become incorporated under this act to a vote of the electors in such city, it shall be the duty of such mayor and council to submit such question to a vote of the electors of said city at the next ensuing municipal election of said city, or at a special election to be designated by them, and to give the notice required by law.

2. **Notice of Election.** § 2. The mayor of such city shall give at least thirty days' notice of such election, by publishing a notice thereof in one or more newspapers within such city; but if no newspaper is published therein, then by posting at least five copies of such notice in each ward.

3. **The Ballot—Result.** § 3. The ballots to be used at such election shall be in the following form: "For city organization under general law;" or, "Against city organization under general law." The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns and cause the result of such canvass to be entered on the records of such city. If a majority of the votes cast at such election shall be for city organization under general law, such city shall thenceforth be deemed to be organized under this act; and the city officers then in office, shall, thereupon,

exercise the powers conferred upon like officers in this act, until their successors shall be elected and qualified.

4. How Towns may become Cities. § 4. Any incorporated town or village in this state, having a population of not less than one thousand (1,000) inhabitants, may become incorporated as a city in like manner as hereinbefore provided; but in all such cases the president and trustees of such town or village shall, respectively, perform the same duties relative to such change of organization as is above required to be performed by the mayor and council of cities.

5. Organizing a City—Petition—Election—Result. § 5. Whenever any area of contiguous territory in this state not exceeding four square miles, shall have resident thereon a population of not less than one thousand inhabitants, which shall not already be included within any incorporated town or city, the same may become incorporated as a city in manner following: Any fifty legal voters thereof may file in the office of the clerk of the county court, of the county in which such inhabitants reside, a petition, addressed to the judge of such court; and if the territory described in said petition shall be in more than one county, then the petition shall be addressed to the judge of the court where a greater part of such territory is situated; which petition shall define the boundaries of such proposed city, and state the number of inhabitants residing within such limits, and also state the name of such proposed city, and shall contain a prayer that the question be submitted to the legal voters residing within such limits, whether they will organize as a city under this act. It shall be the duty of the county judge to fix a time and place, within the boundaries of such proposed city, at which an election may be held to determine such question; and such judge shall name the persons to act as judges in holding such election, and shall give notice thereof by causing ten notices to be posted in public places within such proposed city. And the third section of this article shall be applicable to such election: PROVIDED, that the returns of such election shall be made to and canvassed by the county judge and any two justices of the peace whom he shall call to his assistance, instead of the city council; and the result of such election shall be entered upon the records of such county court. If a majority of the votes cast at such election shall be "For city organization under general law," the inhabitants of such territory, described in such petition, shall be deemed to be incorporated as a city, under this act, and with the name stated in the petition.

6. Courts to take Judicial Notice of Organization, etc.

§ 6. All courts in this state shall take judicial notice of the existence of all villages and cities organized under this act, and of the change of the organization of any town or city from its original organization, to its organization under this act; and from the time of such organization or change of organization, the provisions of this act shall be applicable to such cities and villages, and all laws in conflict therewith shall no longer be applicable. But all laws or parts of laws, not inconsistent with the provisions of this act, shall continue in force and applicable to any such city or village, the same as if such change of organization had not taken place.

7. Election of Officers. § 7 It shall be the duty of the president and board of trustees of any town which shall have voted to change its organization to a city, under this act, to call and give notice of an election to elect city officers, and to designate the time and place or places of holding the same. Such notice shall be published in a newspaper, if there be one, within the town, or posted in ten public places, for at least twenty days before such election. Such president and trustees shall appoint the judges and clerks to hold such election, canvass the returns thereof, and cause the result to be entered upon the records of the town; and the provisions of this act, relative to the election of city officers, shall be applicable thereto; but, at such election, aldermen may be elected on a general ticket.

8. When County Judge to give Notice of Election, etc. § 8. In case of cities organizing under section five (5) of this article, the county judge shall call and give notice of the election, and perform the same duties relative thereto as is above required to be performed by the president and trustees of such town, and in canvassing such returns shall call to his assistance two justices of the peace.

9. Term of First Officers. § 9. The city officers elected under either of the preceding sections, shall hold their respective offices until the next succeeding regular election for such officers, respectively, and until their successors are elected and qualified, as provided in this act.

10. Corporate Name—Powers. § 10. Cities organized under this act shall be bodies politic and corporate, under the name and style of "City of (name)," and under such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for corporate purposes, have a common seal, and change the same at pleasure, and exercise all the powers hereinafter conferred.

11. Prior Ordinances, etc., in force until, etc. § 11. All

ordinances, resolutions and by-laws in force in any city or town when it shall organize under this act, shall continue in full force and effect until repealed or amended, notwithstanding such change of organization; and the making of such change of organization shall not be construed to effect a change in the legal identity, as a corporation, of such city or town.

12. Rights, etc., of Old Corporations to Vest in New. § 12. All rights and property of every kind and description, which were vested in any municipal corporation under its former organization, shall be deemed and held to be vested in the same municipal incorporation upon its becoming incorporated under the provisions of this act, but no rights or liabilities, either in favor of or against such corporation, existing at the time of so becoming incorporated under this act, and no suit or prosecution of any kind shall be affected by such change, but the same shall stand and progress as if no change had been made: PROVIDED, that when a different remedy is given by this act, which may properly be made applicable to any right existing at the time of such city so becoming incorporated under this act, the same shall be deemed cumulative to the remedies before provided, and used accordingly.

13. Record of Result of Election. § 13. The corporate authorities of any city or village which may become organized under this act, shall within three (3) months after organization hereunder, cause to be filed in the office of the recorder of deeds of the county in which such city or village is situated, a certified copy of the record of the county court or of the city or village in the matter of such organization showing the canvass of the votes and the result of the election whereby such city or village became so organized, and the recorder of deeds shall record the same. And upon such record having been duly recorded by the recorder of deeds aforesaid, he shall immediately transmit the same to the Secretary of State, together with his certificate of such recordation endorsed thereon or annexed thereto and it appearing from the recitals in said record that the provisions of this act have been duly complied with, the Secretary of State shall file the same and charter said city or village by his certificate duly authenticated under his hand and the great seal of state. The Secretary of State shall keep a register of cities and villages organized under the provisions of this act. (In force July 1, 1895.)

13 a. City Register's Office Abolished. § 14. If any city organized or which may hereafter organize under this act, shall have had by the terms and provisions of its special charter a city register's office or other office in which deeds, mortgages,

or other instruments were required or authorized by law to be recorded in lieu of recording the same in the recorder's office in the county, where said city was situated, such city register's office or recorder's office shall be discontinued under this act, and the city register or recorder or other officer having the custody of the records, books, and papers pertaining to such city register or recorder's office shall deposit such records and books and papers in the office of the recorder of deeds of the county in which such city is situated, and shall take the receipt of the recorder of deeds therefor, and such records and books and papers shall from thereafter be deemed and held for all purposes a part of the records of the recorder's office of such county, and shall have like legal effect, as if the same had been originally a part of the records of such county recorder's office for all purposes whatsoever, and the same, or certified transcripts made therefrom, shall have like force and effect as evidence as other records of said recorder's office.

13 b. Certain Elections Held Since the Amendment to Sec. 1, Art. 1, Chap. 24, Revised Statutes, Legalized. § 1. Be it enacted by the people of the State of Illinois, represented in the general assembly, that whenever any city, town or village since the amendment of Section 1, Article 1. Chapter 24 of the revised statutes, approved February 26, 1881, and also since the amendment of Section 13 of said Chapter 24, approved June 27, 1895, has held an election to incorporate as a village or city under the general law, and such election has been held on some other day than the days in said Section 1 of said statute provided, or if the returns of any election heretofore held to incorporate any city or village under the general law have not been entered upon the records of such city or village or the county court, showing the canvass of votes and the result of such election, and a certified copy of such records filed and recorded in the office of the recorder of deeds in the county in which such city or village is situated and filed in the office of the secretary of state, such elections so held by any such village, city or town, if in other respects in compliance with the law, are hereby declared legal and valid; Provided, such returns of such elections are now, or shall be, made within three months from the date upon which this act becomes effective, and certified copies of the same filed and recorded as required in Section 13 as amended, to which this act refers, within said three months, and all elections of officers and organizations of any cities or villages in this state under and by virtue of any such elections if otherwise according to law, are hereby legalized and made effective, and all the acts of any such cities or villages, if otherwise legal, are also hereby made

legal and binding; and upon the filing and recording as aforesaid, the secretary of state shall charter said city or village by his certificate duly authenticated under his hand and the great seal of the state. (In force May 6, 1897.)

ARTICLE II.

OF THE MAYOR.

14. **Mayor—His Qualifications.** § 1. The chief executive officer of a city shall be a mayor, who shall be a citizen of the United States, a qualified elector, reside within the city limits, and hold his office for two years, and until his successor is elected and qualified.

15. **Vacancy One Year or Over.** § 2. Whenever a vacancy shall happen in the office of the mayor, when the unexpired term shall be one year or over from the date when the vacancy occurs, it shall be filled by an election.

16. **Vacancy Less Than a Year.** § 3. If the vacancy is less than one year, the city council shall elect one of its number to act as mayor, who shall possess all the rights and powers of the mayor until the next annual election, and until his successor is elected and qualified.

17. **Mayor pro tem.** § 4. During a temporary absence or disability of the mayor, the city council shall elect one of its number to act as mayor pro tem., who, during such absence or disability, shall possess the powers of mayor.

18. **Vacancy by Removal from City.** § 5. If the mayor, at any time during the term of his office, shall remove from the limits of the city, his office shall thereby become vacant.

19. **Mayor to Preside—Casting Vote.** § 6. The mayor shall preside at all meetings of the city council, but shall not vote except in case of a tie, when he shall give the casting vote.

20. **When He May Remove Officers.** § 7. The mayor shall have power to remove any officer appointed by him, on any formal charge, whenever he shall be of the opinion that the interests of the city demand such removal, but he shall report the reasons for such removal to the council at a meeting to be held not less than five days nor more than ten days after such removal; and if the mayor shall fail, or refuse to file with the city clerk a statement of the reasons for such removal, or if the council by a two-thirds ($\frac{2}{3}$) vote of all its members authorized by law to be elected by yeas and nays, to be entered upon its record, disapprove of such removal, such officer shall thereupon be-

come restored to the office from which he was so removed; but he shall give new bonds and take a new oath of office. No officer shall be removed a second time for the same offense.

21. **His Power to Keep Peace.** § 8. He may exercise, within the city limits, the powers conferred upon sheriffs, to suppress disorder and keep the peace.

22. **Release of Prisoners.** § 9. He may release any person imprisoned for violation of any city ordinance, and shall report such release, with the cause thereof, to the council at its first session thereafter.

23. **General Duties.** § 10. He shall perform all such duties as are or may be prescribed by law or by the city ordinances, and shall take care that the laws and ordinances are faithfully executed.

24. **Power to Examine Records, etc.** § 11. He shall have power at all times to examine and inspect the books, records and papers of any agent, employe or officer of the city.

25. **Messages to Council.** § 12. The mayor shall, annually, and from time to time, give the council information relative to the affairs of the city, and shall recommend for their consideration such measures as he may deem expedient.

26. **To Call Out Militia, etc.—Riots, etc.** § 13. He shall have power, when necessary, to call on every male inhabitant of the city over the age of 18 years, to aid in enforcing the laws and ordinances, and to call out the militia to aid in suppressing riots and other disorderly conduct, or carrying into effect any law or ordinance, subject to the authority of the governor as commander-in-chief of the militia.

27. **Misconduct, etc., of Mayor or Other Officer—Penalty.** § 14. In case the mayor or any other municipal officer shall at any time be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of oppression, malconduct or misfeasance in the discharge of the duties of his office, he shall be liable to indictment in any court of competent jurisdiction, and, on conviction, shall be fined in a sum not exceeding \$1,000; and the court in which such conviction shall be had shall enter an order removing such officer from office.

28. **Revising Ordinances After Change of Organization.** § 15. He may appoint, by and with the advice and consent of the city council, immediately after such change of organization, one or more competent persons to prepare and submit to the city council, for their adoption or rejection, an ordinance in revision of the ordinances of such city, and for the government

of such city; the compensation of such reviser or revisers to be determined and fixed by the city council and paid out of the city treasury.

ARTICLE III.

OF THE CITY COUNCIL.

29. **Council—How Composed.** § 1. The city council shall consist of the mayor and aldermen.

30. **Aldermen.** § 2. The number of aldermen, when not elected by the minority representation plan, shall be as follows: In cities not exceeding 3,000 inhabitants, six aldermen; exceeding 3,000 but not exceeding 5,000, eight aldermen; exceeding 5,000 and not exceeding 10,000, ten aldermen; exceeding 10,000 and not exceeding 30,000, fourteen aldermen; and two additional aldermen for every 20,000 inhabitants over 30,000; PROVIDED, however, that in cities of over 350,000 inhabitants there shall be elected forty-eight aldermen and no more, unless additional territory shall be annexed to such city, after such city shall have been divided into wards on the basis of forty-eight aldermen, in which case and as often as new territory shall be annexed to such city, as aforesaid, containing three or more square miles of territory or 15,000 inhabitants and not exceeding 25,000 inhabitants, such annexed territory shall constitute a ward of such city, and the city council of such city shall authorize the legal voters of such annexed territory to elect two aldermen from such ward in such annexed territory, which said aldermen in such annexed territory shall be additional to said forty-eight aldermen, and who shall possess all the qualifications of, and be elected at the time and in the manner provided in the said act, of which this is an amendment; PROVIDED, that if said annexed territory shall contain more than 25,000 inhabitants, then the city council shall authorize the legal voters of such annexed territory to elect two aldermen for every 25,000 inhabitants thereof, and two additional aldermen for every fraction of 15,000 inhabitants or more. The number of inhabitants to be determined by the last preceding national, state or school census of such annexed territory. And if any such annexed territory has less than 15,000 inhabitants, and less than three square miles in extent, then the city council shall annex it to any ward or wards which it adjoins: PROVIDED, further, that when the number of aldermen in any such city shall reach seventy by reason of such annexed territory, the city council shall redistrict said city into thirty-five new wards and no more; and when said number of aldermen shall reach seventy, if any

new territory is thereafter annexed which shall contain 25,000 inhabitants, or more, as determined by the last preceding national, state, school or other census authorized by law to be taken, then said city council shall redistrict said city into thirty-five wards: PROVIDED, further, that whenever after such new territory shall have been annexed, as aforesaid, said city shall be redistricted, the number of wards at the time said city is redistricted, shall be preserved, and the city council thereof may, in its discretion, change the boundary between such new ward and the original territory of the city, and make said new ward larger or smaller, to comply with the requirements of said act as to compactness and equality of inhabitants; And, provided, further, if it shall appear from any census heretofore or hereafter taken, that any city has the requisite number of inhabitants to authorize it to increase the number of aldermen, it shall be the duty of the city council thereof to proceed without delay and redistrict such city in accordance with the provisions hereof, and to call and hold its next city election in accordance with such new redistricting; PROVIDED, that at such election the aldermen who hold over shall be considered aldermen for the new wards respectively in which their residence shall be, unless there shall be two or more aldermen who hold over in the same ward under this proviso, then, in such case, it shall be determined by lot in presence of the city council, in such manner as they shall direct, which aldermen shall hold over for such ward. (In force June 4, 1899.)

31. **Term of Office.** § 3. Aldermen shall hold their office for the term of two years, and until their successors are elected and qualified.

32. **Vacancy.** § 4. If any vacancy shall occur in the office of alderman by death, resignation, removal or otherwise, such vacancy shall be filled by election.

33. **Qualifications of Aldermen.** § 5. No person shall be eligible to the office of alderman unless he shall be a qualified elector, and reside within the ward for which he is elected, nor shall he be eligible if he is in arrears in the payment of any tax or other liability due to the city; nor shall he be directly or indirectly interested in any contract whatever to which the city is a party; nor shall he be eligible if he shall have been convicted of malfeasance, bribery or other corrupt practices or crimes; nor shall he be eligible to any office, the salary of which is payable out of the city treasury, if at the time of his appointment he shall be a member of the city council; nor shall any member of the city council at the same time hold any other office under the city government; nor shall he be either directly or indirectly, indi-

vidually, or as a member of a firm, engaged in any business transaction (other than official) with such city, through its mayor or any of its authorized boards, agents or attorneys, whereby any money is to be paid, directly or indirectly, out of the city treasury to such member or firms.

34. **Council Judge of Its Members.** § 6. The city council shall be judge of the election and qualification of its own members.

35. **Rules—Expulsion—Bribery.** § 7. It shall determine its own rules of proceeding, punish its members for disorderly conduct, and with the concurrence of two-thirds of the aldermen elect, may expel a member, but not a second time for the same offense: PROVIDED, that any alderman or councilman who shall have been convicted of bribery shall thereby be deemed to have vacated his office.

36. **Quorum—Compelling Attendance.** § 8. A majority of the aldermen elect shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absentees, under such penalties as may be prescribed by ordinance.

37. **Meetings.** § 9. The city council may prescribe, by ordinance, the times and places of the meeting thereof, and the manner in which special meetings thereof may be called.

38. **Chairman pro tem.** § 10. It may elect a temporary chairman in the absence of the mayor.

39. **Open Doors.** § 11. It shall sit with open doors.

40. **Journal.** § 12. It shall keep a journal of its own proceedings.

41. **Yeas and Nays—Record—Vote required.** § 13. The yeas and nays shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the city, or for the expenditure or appropriation of its money, and in all other cases at the request of any member, which shall be entered on the journal of its proceedings; and the concurrence of a majority of all the members elected in the city council shall be necessary to the passage of any such ordinance or proposition: PROVIDED, it shall require two-thirds of all the aldermen elect to sell any city or school property.

42. **Not to Rescind Vote at Special Meeting, Unless, etc.** § 14. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

43. **When Report Laid Over.** § 15. Any report of a committee of the council shall be deferred, for final action thereon, to the next regular meeting of the same after the report is made, upon the request of any two aldermen present.

44. **Territorial Jurisdiction.** § 16. The city council and board of trustees shall also have jurisdiction in and over all places within one-half mile of the city or village limits, for the purpose of enforcing health and quarantine ordinances and regulations thereof.

45. **Special Meeting.** § 17. The mayor or any three aldermen may call special meetings of the city council.

46. **Ordinance—Approval—Veto.** § 18. All ordinances passed by the city council shall, before they take effect, be deposited in the office of the city clerk; and if the mayor approves thereof, he shall sign the same, and such as he shall not approve he shall return to the council, with his objection thereto, in writing, at the next regular meeting of the council occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force. But in case the mayor shall fail to return any ordinance, with his objections thereto, by the time aforesaid, he shall be deemed to have approved such ordinance, and the same shall take effect accordingly.

47. **Reconsideration—Passing Over Veto.** § 19. Upon the return of any ordinance by the mayor, the vote by which the same was passed shall be reconsidered by the council; and if, after such reconsideration, two-thirds of all the members elected to the city council shall agree, by yeas and nays, to pass the same, it shall go into effect, notwithstanding the mayor may refuse to approve thereof. The vote to pass the same over the mayor's veto shall be taken by yeas and nays, and entered on the journal.

ARTICLE IV.

ELECTIONS.

48. **Annual Election.** SECTION 1. A general election for city officers shall be held on the third Tuesday of April, of each year: PROVIDED, That in cities which include wholly within their corporate limits a town or towns, such elections shall be held on the first Tuesday of April.

49. Election of Mayor, City Clerk, Attorney, and Treasurer. § 2. At the general election held in 1877, and biennially thereafter, a mayor, a city clerk, a city attorney, and a city treasurer shall be elected in each city: PROVIDED, that no person shall be elected to the office of city treasurer for two terms in succession.

49 a. Poles Open When— That in all city, town or village elections in this state, the polls shall remain open from eight (8) o'clock a. m. until seven (7) o'clock p. m., any law in any special charter to the contrary notwithstanding. (In force July 1, 1879.)

50. Who Entitled to Vote. § 3. All persons entitled to vote at any general election for state officers within any city or village, having resided therein thirty days next preceding thereto, may vote at any election for city or village officers.

51. Wards. § 4. The city council of any city in this state, whether organized under this act or under any special law of this state, may, from time to time, divide the city into one-half as many wards as the total number of aldermen to which the city is entitled; and one alderman shall, annually, be elected in and for each ward, to hold his office for two years, and until his successor is elected and qualified. In the formation of wards the population of each shall be as nearly equal, and the ward shall be of as compact and contiguous territory as practicable.

52. Aldermen at First Election—Classified. § 5. At the first election under this act, there shall be elected the full number of aldermen to which the city shall be entitled. At the first meeting of the city council after such election, the aldermen elected shall be divided, by lot, into two classes: those of the first class shall continue in office for one year, and those of the second for two years. And upon any increase of the number of aldermen, at their first election, one-half shall be elected for one year, and one-half for two years.

53. Minority Representation. § 6. Whenever this act shall be submitted to the qualified electors of any city for adoption, there shall be submitted at the same time, for adoption or rejection, the question of minority representation in the city council or legislative authority of such city. At the said election the ballots shall be in the following form: "For minority representation in the city council," or "Against minority representation in the city council," and at any subsequent time, on petition of the legal voters equal in number to one-eighth the number of legal votes cast at the next preceding general city

election, the city council shall cause the question of minority representation to be submitted to the legal voters of said city, and the ballots shall be in form as provided in this section: PROVIDED, that no such question of representation shall be submitted more than once in every two years. The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns, and to cause the result of such canvass to be entered on the records of such city. If a majority of the votes cast at such election shall be for equal representation in the city council, then the members of the city council, or legislative authority of such city, shall be thereafter elected in the following manner: The council or legislative authority of such city, at least one month before the general election in the year in which this act shall take effect in such city, shall apportion such city by dividing the population thereof, as ascertained by the last federal census, by any number not less than two, nor more than six, and the quotient shall be the ratio of representation in the city council. Districts shall be formed of contiguous and compact territory, and contain as nearly as practicable, an equal number of inhabitants: And, provided, further, that where said council or legislative authority of such city have not fixed a ratio of representation and formed the districts or wards, at the time above specified, the same may be done by any subsequent board of aldermen; but all official acts heretofore done, and ordinances heretofore passed by any board of aldermen elected at large by the legal electors of any such city on the minority representation plan, shall be held and taken by all courts in this state to be of as much validity and binding force as if they had been elected from wards or districts.

54. Aldermen Under Minority Plan. § 7. Every such district shall be entitled to three aldermen, who shall hold their office for two years, and until their successors shall be elected and qualified. At the first general election for mayor, after the passage of this act, and every two years thereafter, there shall be elected in each ward as many aldermen as such ward shall be entitled to: PROVIDED, that aldermen elected under this act, in wards wherein aldermen were elected for two years at the last previous annual election, shall not take their seats as such until the terms of the aldermen last aforesaid shall expire. Vacancies shall be filled at an election to be held by the voters of the district in which such vacancies shall occur, at the time to be designated by the city council. In all elections for aldermen aforesaid, each qualified voter may cast as many votes as there are aldermen to be elected in his district, or may distribute the same or equal parts thereof, among the candidates, as he shall see fit, and the candidate highest in votes shall be declared elected.

54 a. Aldermen—Minority Plan—Council May Classify.

§ 1. That in all cities having adopted, or that may hereafter adopt, the minority representation plan for the election of aldermen, it shall be lawful for the city council to provide by ordinance that at any ensuing general city election the aldermen in every alternate district or ward shall be elected for one year, and at the general city election in the following year, and every two years thereafter, aldermen in such alternate districts or wards shall be elected for two years; and that at such first election and every two years thereafter aldermen in the other districts or wards shall be elected for two years. (In force March 29, 1897.)

55. Aldermen When Minority Plan Not Adopted. § 8.

If a majority of the votes cast at such election shall be "Against minority representation in the city council," the preceding section shall be null and void, so far as it relates to such city at such election, and the aldermen of such city shall be elected as otherwise provided for in this act.

56. Place of Election—Notice. § 9. The city council shall designate the place or places in which the election shall be held, and appoint the judges and clerks thereof, and cause notice to be printed in some newspaper published in such city, if there be one, or posted at each voting place in such city, of the time, places of election, and of the officers to be elected, for at least twenty days prior to such election.

57. Manner of Conducting Elections, etc. § 10. The manner of conducting and voting at elections to be held under this act and contesting the same, the keeping of poll lists and canvassing the votes, shall be the same, as nearly as may be, as in the case of the election of county officers, under the general laws of this state. The judges of election shall appoint clerks, when necessary to fill vacancies, and the judges and clerks shall take the same oath and have the same powers and authority as the judges and clerks of general state elections. After the closing of the polls, the ballots shall be counted and the returns made out and returned, under seal, to the city or village clerk, as the case may be, within two days after the election; and, thereupon, the city council or board of trustees, as the case may be, shall examine and canvass the same and declare the result of the election, and cause a statement thereof to be entered upon its journals.

58. Result—Tie. § 11. The person having the highest number of votes, for any office, shall be declared elected. In case of a tie in the election of any city or village officer, it shall be determined by lot, in the presence of the city council or board

of trustees, in such manner as they shall direct, which candidate or candidates shall hold the office.

59. Notice to Persons Elected or Appointed. § 12. It shall be the duty of the village or city clerk, within five days after the result of the election is declared or appointment made, to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall respectively qualify in ten days after such notice, the office shall become vacant.

60. When No Quorum in Office—Special Election. § 13. If, for any cause, there shall not be a quorum in office of the city council or board of trustees, the mayor, clerk or any alderman or trustee, as the case may be, may appoint the time and place for holding a special election to supply such vacancy and give notice and appoint the judges thereof.

61. Special Elections. § 14. If there is a failure to elect any officer herein required to be elected, or the person elected should fail to qualify, the city council or board of trustees may forthwith order a new election therefor; and in all cases, when necessary for the purposes of this act, may call special elections, appoint judges and clerks thereof, canvass the returns thereof, and provide by ordinance for the mode of conducting the same; and shall give notice of such special elections, in which shall be stated the questions to be voted upon, and cause such notices to be published or posted for the same length of time and in the same manner as is required in the case of regular annual elections in such cities or villages.

ARTICLE V.

OF THE POWERS OF THE CITY COUNCIL

62. SECTION 1. The city council in cities, and president and the board of trustees in villages, shall have the following powers:

First. To control the finances and property of the corporation.

Second. To appropriate money for corporate purposes only, and provide for payment of debts and expenses of the corporation.

Third. To levy and collect taxes for general and special purposes on real and personal property.

Fourth. To fix the amount, terms and manner of issuing and revoking licenses.

Fifth. To borrow money on the credit of the corporation for corporate purposes, and issue bonds therefor, in such amounts and form, and on such conditions as it shall prescribe, but shall not become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate to exceed five (5) per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness; and before or at the time of incurring any indebtedness, shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years after contracting the same.

Sixth. To issue bonds in place of or to supply means to meet maturing bonds, or for the consolidation or funding of the same.

Seventh. To lay out, to establish, open, alter, widen, extend, grade, pave, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks and public grounds, and vacate the same.

Eighth. To plant trees upon the same.

Ninth. To regulate the use of the same.

Tenth. To prevent and remove encroachments or obstructions upon the same.

Eleventh. To provide for the lighting of the same.

Twelfth. To provide for the cleansing of the same.

Thirteenth. To regulate the openings therein for the laying of gas or water mains and pipes, and the building and repairing of sewers, tunnels and drains, and erecting gas lights: PROVIDED, however, that any company heretofore organized under the general laws of this state, or any association of persons organized, or which may be hereafter organized for the purpose of manufacturing illuminating gas to supply cities or villages, or the inhabitants thereof, with the same, shall have the right, by consent of the common council (subject to existing rights), to erect gas factories, and lay down pipes in the streets or alleys of any city or village in this state, subject to such regulations as any such city or village may by ordinance impose. (See Section 222.)

Fourteenth. To regulate the use of sidewalks and all structures thereunder; and to require the owner or occupant of any premises to keep the sidewalks in front of, or along the same, free from snow and other obstructions.

Fifteenth. To regulate and prevent the throwing or depos-

iting of ashes, offal, dirt, garbage, or any offensive matter in, and to prevent injury to any street, avenue, alley, or public ground.

Sixteenth. To provide for and regulate crosswalks, curbs and gutters.

Seventeenth. To regulate and prevent the use of streets, sidewalks and public grounds for signs, sign posts, awnings, awning posts, telegraph poles, horse troughs, racks, posting handbills and advertisements.

Eighteenth. To regulate and prohibit the exhibition or carrying of banners, placards, advertisements or handbills in the streets or public grounds, or upon the sidewalks.

Nineteenth. To regulate and prevent the flying of flags, banners or signs across the streets or from houses.

Twentieth. To regulate traffic and sales upon the streets, sidewalks and public places.

Twenty-first. To regulate the speed of horses and other animals, vehicles, cars and locomotives within the limits of the corporation.

Twenty-second. To regulate the numbering of houses and lots.

Twenty-third. To name and change the name of any street, avenue, alley or other public place.

Twenty-fourth. To permit, regulate or prohibit the locating, constructing or laying a track of any horse railroad in any street, alley or public place; but such permission shall not be for a longer time than twenty years. (See R. S. 1899, p. 1683.)

Twenty-fifth. To provide for and change the location, grade and crossings of any railroad.

Twenty-sixth. To require railroad companies to fence their respective railroads, or any portion of the same, and to construct cattle guards, crossings of streets, and public roads, and keep the same in repair, within the limits of the corporation. In case any railroad company shall fail to comply with any such ordinance, it shall be liable for all damages the owner of any cattle or horses or other domestic animal may sustain by reason of injuries thereto while on the track of such railroad, in like manner and extent as under the general laws of the state, relative to the fencing of railroads; and actions to recover such damages may be instituted before any justice of the peace or other court of competent jurisdiction.

Twenty-seventh. To require railroad companies to keep flagmen at railroad crossings of streets, and provide protection against injury to persons and property in the use of such rail-

roads. To compel such railroad to raise or lower their railroad tracks to conform to any grade which may, at any time, be established by such city, and where such tracks run lengthwise of any such street, alley or highway, to keep their railroad tracks on a level with the street surface, and so that such tracks may be crossed at any place on such street, alley or highway. To compel and require railroad companies to make and keep open and to keep in repair ditches, drains, sewers and culverts along and under their railroad tracks so that filthy or stagnant pools of water cannot stand on their grounds or right of way, and so that the natural drainage of adjacent property shall not be impeded.

Twenty-eighth. To construct and keep in repair bridges, viaducts and tunnels, and to regulate the use thereof.

Twenty-ninth. To construct and keep in repair culverts, drains, sewers and cesspools, and to regulate the use thereof.

Thirtieth. To deepen, widen, dock, cover, wall, alter or change channel of water courses.

* * * * *

Fortieth. To provide for the cleansing and purification of waters, water-courses, and canals, and the draining or filling of ponds on private property, whenever necessary to prevent or abate nuisances.

Forty-first. To license, tax, regulate, suppress and prohibit hawkers, peddlers, pawn-brokers, keepers of ordinaries, theatricals and other exhibitions, shows and amusements, and to revoke such license at pleasure.

Forty-second. To license, tax and regulate hackmen, draymen, omnibus drivers, carters, cabmen, porters, expressmen, and all others pursuing like occupations, and to prescribe their compensation.

Forty-third. To license, regulate, tax and restrain runners for stages, cars, public-houses, or other things or persons.

Forty-fourth. To license, regulate, tax or prohibit and suppress billiard, bagatelle, pigeon hole or any other tables or implements kept or used for similar purposes in any place of public resort, pin alleys and ball alleys.

Forty-fifth. To suppress bawdy and disorderly houses, houses of ill-fame or assignation, within the limits of the city, and within three miles of the outer boundaries of the city; and also to suppress gaming and gambling houses, lotteries, and all fraudulent devises and practices, for the purpose of

gaining or obtaining money or property; and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations.

Forty-sixth. To license, regulate and prohibit the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amount to be paid for such license: PROVIDED, that the city council in cities, or president and board of trustees in villages, may grant permits to druggists for the sale of liquors for medicinal, mechanical, sacramental and chemical purposes only, subject to forfeiture, and under such restrictions and regulations as may be provided by ordinance: PROVIDED, further, that in granting licenses such corporate authorities shall comply with whatever general law of the state may be in force relative to the granting of licenses.

Forty-seventh The foregoing shall not be construed to affect the provisions of the charter of any literary institution heretofore granted.

Forty-eighth. And the city council in cities, and president and board of trustees in villages, shall also have the power to forbid and punish the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor to any minor, apprentice or servant or insane, idiotic or distracted person, habitual drunkard, or person intoxicated.

Forty-ninth To establish markets and market houses, and provide for the regulation and use thereof

Fiftieth. To regulate the sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions, and to provide for place and manner of selling the same.

Fifty-first. To prevent and punish forestalling and regrating.

Fifty-second. To regulate the sale of bread in the city or village; prescribe the weight and quality of the bread in the loaf.

Fifty-third. To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, cotton, tobacco, flour, meal and other provisions.

Fifty-fourth. To regulate the inspection, weighing and measuring of brick, lumber, fire wood, coal, hay and any article of merchandise.

Fifty-fifth. To provide for the inspection and sealing of weights and measures.

Fifty-sixth. To enforce the keeping and use of proper weights and measures by vendors.

Fifty-seventh. To regulate the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters.

Fifty-eighth. To regulate places of amusement.

Fifty-ninth. To prevent intoxication, fighting, quarrelling, dog fights, cock fights, and all disorderly conduct.

Sixtieth. To regulate partition fences and party walls.

Sixty-first. To prescribe the thickness, strength, and manner of constructing stone, brick and other buildings, and construction of fire escapes therein.

Sixty-second. The city council, and the president and trustees in villages, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected or placed, or repaired, without permission, and to direct that all and any buildings, within the fire limits, when the same shall have been damaged by fire, decay or otherwise, to the extent of fifty per cent. of the value, shall be torn down or removed, and to prescribe the manner of ascertaining such damage.

Sixty-third. To prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building and manufactory, and to cause the same to be removed or placed in a safe condition, when considered dangerous; to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires; to prevent the deposit of ashes in unsafe places, and to cause all such buildings and inclosures as may be in a dangerous state to be put in a safe condition.

Sixty-fourth. To erect engine houses, and provide fire engines, hose carts, hooks and ladders, and other implements for prevention and extinguishment of fires, and to provide for the use and management of the same by voluntary fire companies or otherwise.

Sixty-fifth. To regulate and prevent storage of gunpowder, tar, pitch, resin, coal oil, benzine, turpentine, hemp, cotton, nitro-glycerine, petroleum, or any of the products thereof, and other combustable or explosive material, and the use of lights in stables, shops and other places, and the building of bonfires; also to regulate and restrain the use of fire-works, fire crackers, torpedoes, roman candles, sky-rockets and other pyrotechnic displays.

Sixty-sixth. To regulate the police of the city or village, and pass and enforce all necessary police ordinances.

Sixty-seventh. To provide for the inspection of steam boilers.

Sixty-eighth. To prescribe the duties and powers of a superintendent of police, policemen and watchmen.

Sixty-ninth. To establish and erect calaboozes, bridewells, houses of correction and workhouses for the reformation and confinement of vagrants, idle and disorderly persons, and persons convicted of violating any city or village ordinance, and make rules and regulations for the government of the same, and appoint necessary keepers and assistants.

Seventieth. To use the county jail for the confinement or punishment of offenders, subject to such conditions as are imposed by law, and with the consent of the county board.

Seventy-first. To provide by ordinance in regard to the relation between all the officers and employes of the corporation in respect to each other, the corporation and the people.

Seventy-second. To prevent and suppress riots, routs, affrays, noises, disturbances, disorderly assemblies in any public or private place

Seventy-third. To prohibit and punish cruelty to animals.

Seventy-fourth. To restrain and punish vagrants, mendicants and prostitutes.

Seventy-fifth. To declare what shall be a nuisance, and to abate the same; and to impose fines upon parties who may create, continue or suffer nuisances to exist.

Seventy-sixth. To appoint a board of health, and prescribe its powers and duties.

Seventy-seventh. To erect and establish hospitals and medical dispensaries, and control and regulate the same.

Seventy-eighth. To do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

Seventy-ninth. To establish and regulate cemeteries, within or without the corporation, and acquire lands therefor, by purchase or otherwise, and cause cemeteries to be removed, and prohibit their establishment within one mile of the corporation.

Eightieth. To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats, geese and dogs, and to impose a tax on dogs.

Eighty-first. To direct the location and regulate the management and construction of packing houses, renderies, tallow chandleries, bone factories, soap factories and tanneries, within the limits of the city or village, and within the distance of one mile without the city or village limits.

Eighty-second. To direct the location and regulate the use and construction of breweries, distilleries, livery stables, blacksmith shops and founderies within the limits of the city or village.

Eighty-third. To prohibit any offensive or unwholesome business or establishment within or within one mile of the limits of the corporation.

Eighty-fourth. To compel the owner of any grocery, cellar, soap or tallow chandlery, tannery, stable, pig-sty, privy, sewer or other unwholesome or nauseous house or place, to cleanse, abate or remove the same, and to regulate the location thereof.

Eighty-fifth. The city council or trustees of a village, shall have power to provide for the taking of the city or village census; but no city or village census shall be taken by authority of the council or trustees oftener than once in three years.

Eighty-sixth. To provide for the erection and care of all public buildings necessary for the use of the city or village.

* * * * *

Eighty-eighth. To authorize the construction of mills, mill races and feeders on, through or across the streets of the city or village, at such places and under such restrictions as they shall deem proper.

Eighty-ninth. The city council shall have power, by condemnation or otherwise, to extend any street, alley or highway over or across, or to construct any sewer under or through any railroad track, right of way, or land of any railroad company (within the corporate limits); but where no compensation is made to such railroad company, the city shall restore such railroad track, right of way or land to its former state, or in a sufficient manner not to have impaired its usefulness.

Ninetieth. The city council or board of trustees shall have no power to grant the use of, or the right to lay down, any railroad tracks in any street of the city, to any steam, dummy, electric, cable, horse or other railroad company, whether the same shall be incorporated under any general or special law of the state, now or hereafter in force, except upon the petition of

the owners of the land representing more than one-half of the frontage of the street, or so much thereof as is sought to be used for railroad purposes, and when the street or part thereof sought to be used shall be more than one mile in extent, no petition of land owners shall be valid unless the same shall be signed by the owners of the land representing more than one-half of the frontage of each mile and of the fraction of a mile if any in excess of the whole miles measuring from the initial point named in such petition, of such street or of the part thereof sought to be used for railroad purposes.

Ninety-first. To tax, license and regulate auctioneers, distillers, brewers, lumber yards, livery stables, public scales, money changers and brokers.

Ninety-second. To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.

Ninety-third. To regulate and prohibit the keeping of any lumber yard, and the placing or piling or selling any lumber, timber, wood or other combustible material, within the fire limits of the city.

Ninety-fourth. To provide by ordinance, that all the paper, printing, stationery, blanks, fuel, and all the supplies needed for the use of the city, shall be furnished by contract let to the lowest bidder.

Ninety-fifth. To tax, license and regulate second-hand and junk stores, and to forbid their purchasing or receiving from minors, without the written consent of their parents or guardians, any article whatsoever.

Ninety-sixth. To pass all ordinances, rules, and make all regulations, proper or necessary, to carry into effect the powers granted to cities or villages, with such fines or penalties as the city council or board of trustees shall deem proper: PROVIDED, no fine or penalty shall exceed \$200, and no imprisonment shall exceed six months for one offense.

62 a. Power to License, Tax, etc., Itinerant Merchants, etc. § 1. That the city council in cities, and the president and board of trustees in villages and incorporated towns, shall have power to license, tax, regulate, suppress or prohibit itinerant merchants and transient venders of merchandise. (In force July 1, 1887.)

63. Style of Ordinances. § 2. The style of the ordinances in cities shall be: "Be it ordained by the city council of

64. **Publication of Ordinances—When Take Effect.** § 3. All ordinances of cities and villages imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation, shall, within one month after they are passed, be published at least once in a newspaper published in the city or village, or, if no such newspaper is published therein, by posting copies of the same in three public places in the city or village; and no such ordinance shall take effect until ten days after it is so published. And all other ordinances, orders and resolutions shall take effect from and after their passage, unless otherwise provided therein.

65. **Proof of Ordinances.** § 4. All ordinances, and the date of publication thereof, may be proven by the certificate of the clerk, under the seal of the corporation. And when printed in book or pamphlet form, and purporting to be published by authority of the board of trustees or the city council, the same need not be otherwise published; and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, as of the dates mentioned in such book or pamphlet, in all courts and places without further proof.

66. **Suits for Violating Ordinances.** § 5. All actions brought to recover any fine, or to enforce any penalty, under any ordinance of any city or village, shall be brought in the corporate name of the city or village as plaintiff; and no prosecution, recovery or acquittal, for the violation of any such ordinance, shall constitute a defense to any other prosecution of the same party for any other violation of any such ordinance, although the different causes of action existed at the same time, and, if united, would not have exceeded the jurisdiction of the court or magistrate.

67. **Fines and Licenses—Paid to Treasurer.** § 6. All fines and forfeitures for the violation of ordinances, when collected, and all moneys collected for licenses or otherwise, shall be paid into the treasury of the corporation, at such times and in such manner as may be prescribed by ordinance.

68. **Arrest—Imprisonment—Workhouse.** § 1. That in all actions for the violation of any ordinance of any city or village organized under any general or special law of this state, the first process shall be a summons: PROVIDED, however, that a warrant for the arrest of the offender may issue in the first instance, upon the affidavit of any person that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof; and any person arrested upon such warrant, shall, without unnecessary delay, be taken before the proper officer, to be tried for the alleged offense. Any person upon

whom any fine or penalty shall be imposed may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail or the calaboose, city prison, workhouse, house of correction, or other place provided by such cities or villages by ordinance for the incarceration of such offenders until such fine, penalty, and cost shall be fully paid: PROVIDED, that no such imprisonment shall exceed six months for any one offense. The city council or board of trustees of any such cities or villages shall have power to provide by ordinance that every person so committed shall be required to work at such labor as his or her strength will permit, within and without such prison, workhouse, house of correction or other place provided for the incarceration of such offenders, not to exceed ten hours each working day; and for such work the person so employed, or worked, shall be allowed, exclusive of his or her board, the sum of fifty cents for each day's work on account of such fine and costs. (Approved and in force April 12, 1879.)

69. Jurisdiction of Justices, etc. § 8. Any and all justices of the peace and police magistrates shall have jurisdiction in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof.

69 a. In all actions arising under the laws for the incorporation of cities, towns and villages, or any ordinance passed in pursuance thereof, where the amount claimed does not exceed two hundred dollars. (Ch. 7, sec. 16, p. 1068, R. S. 1899.)

70. Constable or Sheriff May Serve Process, etc. § 9. Any constable or sheriff of the county may serve any process, or make any arrests authorized to be made by any city officer.

71. Jurisdiction Over Waters—Street Labor. § 10. The city or village government shall have jurisdiction upon all waters within or bordering upon the same, to the extent of three miles beyond the limits of the city or village, but not to exceed the limits of the state; and may, by ordinance, require every able-bodied male inhabitant of such city or village, above the age of twenty-one years and under the age of fifty years, (excepting paupers, idiots, lunatics, and such others as are exempt by law,) to labor on the streets and alleys of such city or village, not more than three days in each year, but such ordinance shall provide for commutation of such labor at not more than one dollar and fifty cents per day.

71 a. Labor on Streets, etc. § 1. That the city council in all cities and the president and board of trustees in all villages in this state, may have power, by ordinance, to require every able-bodied male inhabitant of any such

city or village, above the age of twenty-one years, and under the age of fifty years (excepting paupers, idiots, lunatics, and such others as are exempt by law), to labor on the streets and alleys of any such city or village, not more than two (2) days in each year; but such ordinance shall provide for commutation of such labor at seventy-five cents per day. (In force July 1, 1879.)

71 *b*. **Fines and Penalties.** § 2. Any such city council or president and board of trustees of any such village shall have power, by ordinance, to provide such fines and penalties as may be necessary to enforce the provisions of this act. (In force July 1, 1879.)

ARTICLE VI.

OFFICERS—THEIR POWERS AND DUTIES.

72. **Officers.** § 1. There shall be elected, in all cities organized under this act, the following officers, viz: a mayor, a city council, a city clerk, city attorney, and a city treasurer.

73. **Other Officers—Duties of City Marshal.** § 2. The city council may, in its discretion, from time to time, by ordinance passed by a vote of two-thirds of all the aldermen elected, provide for the election by the legal voters of the city, or the appointment by the mayor, with the approval of the city council, of a city collector, a city marshal, a city superintendent of streets, a corporation counsel, a city comptroller, or any or either of them, and such other officers as may by said council be deemed necessary or expedient. The city council may, by a like vote, by ordinance or resolution, to take effect at the end of the then fiscal year, discontinue any office so created, and devolve the duties thereof on any other city officer; and no officer filling any such office so discontinued, shall have any claim against the city on account of his salary, after such discontinuance. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, and the observance and enforcement of the ordinances and laws; he shall possess the power and authority of a constable at common law, and under the statutes of this state.

74. **Appointments—Vacancies—Duties—Powers.** § 3. All officers of any city, except where herein otherwise provided, shall be appointed by the mayor (and vacancies in all offices except the mayor and aldermen shall be filled by like appointment) by and with the advice and consent of the city council. The city council may, by ordinance not inconsistent with the

provisions of this act, prescribe the duties and define the powers of all such officers, together with the term of any such office: PROVIDED, the term shall not exceed two years.

75. Oath—Bond. § 4. All officers of any city or village, whether elected or appointed, shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States, and the constitution of the state of Illinois, and that I will faithfully discharge the duties of the office of-----according to the best of my ability.

Which oath or affirmation, so subscribed, shall be filed in the office of the clerk. And all such officers, except aldermen and trustees, shall, before entering upon the duties of their respective offices, execute a bond with security, to be approved by the city council or board of trustees, payable to the city or village, in such penal sum as may, by resolution or ordinance, be directed, conditioned for the faithful performance of the duties of the office and the payment of all moneys received by such officer, according to law and the ordinances of said city or village: PROVIDED, however, that in no case shall the mayor's bond be fixed at a less sum than three thousand dollars (\$3,000); nor shall the treasurer's bond be fixed at a less sum than the amount of the estimated tax and special assessments for the current year—which bonds shall be filed with the clerk (except the bond of the clerk, which shall be filed with the treasurer.)

76. Commission—Certificate—Delivery to Successors. § 5. All officers elected or appointed under this act (except the clerk, aldermen and mayor, and trustees), shall be commissioned by warrant, under the corporate seal signed by the clerk and the mayor or presiding officer of the city council or board of trustees. The mayor or president of the board of trustees shall issue a certificate of appointment or election, under the seal of the corporation, to the clerk thereof, and any person having been an officer of the city or village shall, within five days after notification and request, deliver to his successor in office all property, books and effects of every description in his possession, belonging to the city or village, or appertaining to his said office; and upon his refusal to do so, shall be liable for all the damages caused thereby, and to such penalty as may by ordinance be prescribed.

77. Qualification of Officers. § 6. No person shall be eligible to any office who is not a qualified elector of the city or village, and who shall not have resided therein at least one year next preceding his election or appointment, nor shall any

person be eligible to any office who is a defaulter to the corporation: PROVIDED, however, this shall not apply to the appointment or election of city engineer in incorporated cities and villages: And provided, that the same shall not apply to appointment of attorneys in incorporated villages, if such appointee be not a defaulter to the corporation. (In force July 1, 1895.)

78. Not Interested in Contracts, etc. § 7. No officer shall be directly or indirectly interested in any contract, work or business of the city, or the sale of any article, the expense, price or consideration of which is paid from the treasury, or by any assessment levied by any act or ordinance; nor in the purchase of any real estate or other property belonging to the corporation, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of said corporation.

79. Bribery—Penalty. § 8. Every person who shall promise, offer or give, or cause, or aid, or abet in causing to be promised, offered or given, or furnish or agree to furnish, in whole or in part to be promised, offered or given to any member of the city council or board of trustees, or any officer of the corporation, after or before his election or appointment as such officer, any moneys, goods, right in action, or other property or anything of value, or any pecuniary advantage, present or prospective, with intent to influence his vote, opinion, judgment or action on any question, matter, cause or proceeding which may be then pending, or may by law be brought before him in his official capacity, shall, upon conviction, be imprisoned in the penitentiary for a term not exceeding two years, or shall be fined not exceeding \$5,000, or both, in the discretion of the court. Every officer who shall accept any such gift or promise, or undertaking to make the same under any agreement or understanding that his vote, opinion, judgment or action shall be influenced thereby, or shall be given in any question, matter, cause or proceeding then pending, or which may by law be brought before him in his official capacity, shall, upon conviction, be disqualified from holding any public office, trust or appointment under the city or village, and shall forfeit his office, and shall be punished by imprisonment in the penitentiary not exceeding two years, or by a fine not exceeding \$5,000, or both, in the discretion of the court. Every person offending against either of the provisions of this section, shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence before any grand jury or in any court in the same manner as other persons; but the testimony so given shall not be used in

any prosecution or proceeding, civil or criminal, against the person so testifying.

80. **Mayor, etc., Not to Hold Other Office.** § 9. No mayor, alderman, city clerk, or treasurer, shall hold any other office under the city government during his term of office.

81. **Duties of Clerk.** § 10. The clerk shall keep the corporate seal, to be provided under the direction of the city council or board of trustees, and all papers belonging to the city or village; he shall attend all meetings of the city council or board of trustees, and keep a full record of its proceedings in the journal; and copies of all papers duly filed in his office, and transcripts from the journals and other records and files of his office, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced.

82. **Record of Ordinances.** § 11. The clerk shall record, in a book to be kept for that purpose, all ordinances passed by the city council or board of trustees, and at the foot of the record of each ordinance so recorded shall make a memorandum of the date of the passage and of the publication or posting of such ordinance, which record and memorandum, or a certified copy thereof, shall be *prima facie* evidence of the passage and legal publication or posting of such ordinances for all purposes whatsoever.

83. **Conservators of the Peace—Powers.** § 12. The trustees in villages, the mayor, aldermen, and the marshal and his deputies, policemen and watchmen, in cities, if any such be appointed, shall be conservators of the peace, and all officers created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or be found violating any ordinance of the city or village, or any criminal law of the state, commit a felony, or examination and, if necessary, detain such persons in custody over night or Sunday in the watch-house, or any other safe place, or until they can be brought before the proper magistrate, and shall have and exercise such other powers as conservators of the peace as the city council or board of trustees may prescribe. All warrants for the violation of ordinances, and all criminal warrants to whomsoever directed, may be served and executed within the corporate limits of any such city or village by any policeman of such city or village; such policeman being hereby clothed with all the common law and statutory power of constables for such purposes. (In force July 1, 1883.)

84. **Compensation of Mayor.** § 13. The mayor of any

city shall receive such compensation as the city council may by ordinance direct, but his compensation shall not be changed during his term of office.

85. Compensation of Aldermen and Trustees. § 14. The aldermen and trustees may receive such compensation for their services as shall be fixed by the ordinances: PROVIDED, however, that in cities of less than 350,000 inhabitants such compensation shall not exceed the sum of three dollars to each alderman for each meeting of the city council or board of trustees actually attended by him; in cities of more than 350,000 inhabitants such compensation shall not exceed the sum of fifteen hundred dollars per annum for each alderman, and in villages the compensation to trustees shall not exceed the sum of one dollar and fifty cents for each meeting of the board of trustees actually attended by such trustees. No other salary or compensation shall be allowed any alderman or trustee: PROVIDED, further, that this act shall apply to all cities, towns and villages in this state whether incorporated under a general or special law, and that in all such villages and incorporated towns the trustees thereof shall receive compensation for not more than one meeting in each week. (In force May 26, 1897.)

86. Compensation of Other Officers. § 15. All other officers may receive a salary, fees or other compensation to be fixed by ordinance, and after the same has been once fixed, such fees or compensation shall not be increased or diminished, to take effect during the term for which any such officer was elected or appointed; and every such officer shall make and return to the mayor, or president of the board of trustees, a semi-annual report, verified by affidavit, of all such fees and emoluments received by him.

87. Administering Oaths. § 16. The mayor of any city, and the clerk of any city or village, shall have power to administer oaths and affirmations upon all lawful occasions.

ARTICLE VII.

FINANCE.

88. Fiscal Year. SECTION 1. The fiscal year of each city or village organized under this act, shall commence at the date established by law for the annual election of municipal officers therein, or at such other times as may be fixed by ordinance.

89. Annual Appropriation Ordinance. § 2. The city council of cities, and board of trustees in villages, shall, within the first quarter of each fiscal year, pass an ordinance, to be termed the annual appropriation bill, in which such corporate

authorities may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporation; and in such ordinance shall specify the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose. No further appropriations shall be made at any other time within such fiscal year, unless the proposition to make each appropriation has been first sanctioned by a majority of the legal voters of such city or village, either by a petition signed by them, or at a general or special election duly called therefor.

90. **Limitation—Emergency—Borrowing Money.** § 3. Neither the city council nor the board of trustees, nor any department or officer of the corporation, shall add to the corporation expenditures in any one year anything over and above the amount provided for in the annual appropriation bill of that year, except as is herein otherwise specially provided; and no expenditure for an improvement to be paid for out of the general fund of the corporation shall exceed, in any one year, the amount provided for such improvement in the annual appropriation bill: PROVIDED, however, that nothing herein contained shall prevent the city council or board of trustees from ordering, by a two-thirds vote, any improvement, the necessity of which is caused by any casualty or accident happening after such annual appropriation is made. The city council or board of trustees may, by a like vote, order the mayor or president of the board of trustees and finance committee to borrow a sufficient amount to provide for the expense necessary to be incurred in making any improvements, the necessity of which has arisen as is last above mentioned, for a space of time not exceeding the close of the next fiscal year—which sum, and the interest, shall be added to the amount authorized to be raised in the next general tax levy, and embraced therein. Should any judgment be obtained against the corporation, the mayor, or president of the board of trustees and finance committee, under the sanction of the city council or board of trustees, may borrow a sufficient amount to pay the same, for a space of time not exceeding the close of the next fiscal year—which sum and interest shall, in like manner, be added to the amount authorized to be raised in the general tax levy of the next year, and embraced therein.

91. **Contracting Liabilities Limited.** § 4. No contract shall be hereafter made by the city council or board of trustees, or any committee or member thereof; and no expense shall be incurred by any of the officers or departments of the corporation, whether the object of the expenditure shall have been ordered by the city council or board of trustees or not, unless

an appropriation shall have been previously made concerning such expense, except as herein otherwise expressly provided.

92. **Duties of Treasurer.** § 5. The treasurer shall receive all moneys belonging to the corporation, and shall keep his books and accounts in such manner as may be prescribed by ordinance, and such books and accounts shall always be subject to the inspection of any member of the city council or board of trustees.

93. **Separate Accounts.** § 6. He shall keep a separate account of each fund or appropriation, and the debts and credits belonging thereto.

94. **Receipts.** § 7. He shall give every person paying money into the treasury a receipt therefor, specifying the date of payment, and upon what account paid; and he shall also file copies of such receipts with the clerk, at the date of his monthly reports.

95. **Monthly Statements—Warrants—Vouchers—Register.** § 8. The treasurer shall, at the end of each and every month, and oftener if required, render an account to the city council or board of trustees, or such officer as may be designated by ordinance (under oath), showing the state of the treasury at the date of such account, and the balance of money in the treasury. He shall also accompany such accounts with a statement of all moneys received into the treasury, and on what account, together with all warrants redeemed and paid by him; which said warrants, with any and all vouchers held by him, shall be delivered to the clerk, and filed with his said account in the clerk's office, upon every day of such settlement. He shall return all warrants paid by him stamped or marked "paid." He shall keep a register of all warrants redeemed and paid, which shall describe such warrants, and show the date, amount, number, the fund from which paid, the name of the person to whom and when paid.

96. **Deposit of Funds—Separate From His.** § 9. The treasurer may be required to keep all moneys in his hands, belonging to the corporation, in such place or places of deposit as may be designated by ordinance: PROVIDED, however, no such ordinance shall be passed by which the custody of such money shall be taken from the treasurer and deposited elsewhere than in some regularly organized bank, nor without a bond to be taken from such bank, in such penal sum and with such security as the city council or board of trustees shall direct and approve, sufficient to save the corporation from any loss; but such penal sum shall not be less than the estimated receipts for the current year from taxes and special assessments levied,

or to be levied, by the corporation. The treasurer shall keep all moneys belonging to the corporation in his hands separate and distinct from his own moneys, and he is hereby expressly prohibited from using, either directly or indirectly, the corporation money or warrants in his custody and keeping, for his own use and benefit, or that of any other person or persons whomsoever; and any violation of this provision shall subject him to immediate removal from office by the city council or board of trustees, who are hereby authorized to declare said office vacant; and in which case his successor shall be appointed, who shall hold his office for the remainder of the term unexpired of such officer so removed.

97. Treasurer's Annual Report—Publication. § 10. The treasurer shall report to the city council or board of trustees, as often as required, a full and detailed account of all receipts and expenditures of the corporation, as shown by his books, up to the time of said report; and he shall, annually, between the first and tenth of April, make out and file with the clerk a full and detailed account of all such receipts and expenditures, and of all his transactions, as such treasurer, during the preceding fiscal year, and shall show in such account the state of the treasury at the close of the fiscal year; which account the clerk shall immediately caused to be published in a newspaper printed in such city, if there be one, and if not, then by posting the same in a public place in the clerk's office.

98. Warrants. § 11. All warrants drawn upon the treasurer must be signed by the mayor and countersigned by the clerk, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable; and no money shall be otherwise paid than upon such warrants so drawn, except as hereinafter provided.

99. Special Assessment Funds Kept Separate. § 12. All moneys received on any special assessment shall be held by the treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made, and said money shall be used for no other purpose whatever, unless to reimburse such corporation for money expended for such improvement.

CITY COLLECTOR.

100. His Duties. § 13 It shall be the duty of the collector, when one is appointed, to preserve all warrants which are returned into his hands, and he shall keep such books and his accounts in such manner as the city council may prescribe. Such warrants, books, and all papers pertaining to his office,

shall at all times be open to the inspection of and subject to the examination of the mayor, city clerk, any member of the council, or committee thereof. He shall weekly, and oftener, if required by the council, pay over to the treasurer all moneys collected by him from any source whatever, taking such treasurer's receipt therefor, which receipt he shall immediately file with the city clerk; but the city clerk shall, at the time or on demand, give such tax collector a copy of any such receipt so filed.

101. **He Shall Report, etc,—Publication.** § 14. He shall make a report, in writing, to the council, or any officer designated by the council, of all moneys collected by him, the account whereon collected, or of any other matter in connection with his office, when required by the council or by any ordinance of the city. He shall also, annually, between the first and tenth of April, file with the clerk a statement of all the moneys collected by him during the year, the particular warrant, special assessment or account on which collected, the balance of moneys uncollected on all warrants in his hands and the balance remaining uncollected at the time of the return on all warrants which he shall have returned, during the preceding fiscal year, to the city clerk. The city clerk shall publish or post the same, as hereinbefore required to be done in regard to the annual report of the treasurer.

102. **Not to Detain Money—Penalty.** § 15. The collector is hereby expressly prohibited from keeping the moneys of the city in his hands, or in the hands of any person or corporation, to his use, beyond the time which may be prescribed for the payment of the same to the treasurer and any violation of this provision will subject him to immediate removal from office.

103. **Examination of His Books—Paying Over.** § 16. All the city collector's papers, books, warrants and vouchers may be examined at any time by the mayor or clerk, or any member of the city council; and the collector shall every two weeks, or oftener if the city council so direct, pay over all money collected by him from any person or persons, or associations, to the treasurer, taking his receipt therefor in duplicate, one of which receipts he shall at once file in the office of the clerk.

CITY COMPTROLLER.

104. **His Powers and Duties.** § 17. The city comptroller (if there shall be any city comptroller appointed, if not, then the clerk) shall exercise a general supervision over all the officers of the corporation charged in any manner with the

receipt, collection or disbursement of corporation revenues, and the collection and return of all such revenues into the treasury. He shall have the charge, custody, and control of all deeds, leases, warrants, vouchers, books, and papers of any kind, the custody and control of which is not herein given to any other officers, and he shall, on or before the fifteenth day of May, in each year, and before the annual appropriations to be made by the city council or the board of trustees, submit to the city council or board of trustees a report of his estimates, as nearly as may be, of moneys necessary to defray the expenses of the corporation during the current fiscal year. He shall, in said report, class the different objects and branches of expenditures, giving, as nearly as may be, the amount required for each; and for the purpose of making such a report, he is authorized to require of all officers their statement of the condition and expenses of their respective offices or departments, with any proposed improvements and the probable expense thereof, all contracts made and unfinished, and the amount of any and all unexpended appropriations of the preceding year. He shall, in such report, show the aggregate income of the preceding fiscal year, from all sources, the amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year, when due and when payable; and in such report he shall give such other information to the council or board of trustees as he may deem necessary, to the end that the city council or board of trustees may fully understand the money exigencies and demands upon the corporation for the current year.

105. **Council May Define the Duties—Transfer of Clerk's Financial Duties.** § 18. When there shall be appointed in any city a comptroller, the city council may, by ordinance or resolution, confer upon him such powers, and provide for the performance of such duties by him, as the city council shall deem necessary and proper; and all the provisions of this act relating to the duties of city clerk, or the powers of city clerk in connection with the finances, the treasurer and collector, or the receipt and disbursements of the moneys of such city, shall be exercised and performed by such comptroller, if one there shall be appointed; and to that end and purpose, wherever in this act heretofore the word "clerk" is used, it shall be held to mean "comptroller;" and wherever the "clerk's office" is referred to, it shall be held to mean "comptroller's office."

106. **Record of Bonds Issued by City.** § 19. The comptroller, when there shall be a comptroller, and if not, then the

clerk, shall keep in his office, in a book or books kept expressly for that purpose, a correct list of all the outstanding bonds of the city, showing the number and amount of each, for and to whom the said bonds are issued; and when any city bonds are purchased, or paid, or cancelled, said book or books shall show the fact; and in his annual report he shall describe, particularly, the bonds sold during the year, and the terms of sale, with each and every item of expense thereof.

GENERAL PROVISIONS.

107. **Further duties may be required.** § 20. The collector and treasurer, and all other officers connected with the receipt and expenditure of money, shall perform such other duties, and be subject to such other rules and regulations as the city council or board of trustees may, from time to time, by ordinance, provide and establish.

108. **Appeal to Finance Committee.** § 21. In the adjustment of the accounts of the collector or treasurer with the clerk (or comptroller if there shall be one), there shall be an appeal to the finance committee of the council or board of trustees, whose decision in all matters of controversy arising between said officers shall be binding, unless the city council or board of trustees shall otherwise direct and provide.

109. **Who May Appoint Subordinates.** § 22. The comptroller (if there shall be one), the clerk, treasurer and collector, shall, severally, appoint such various clerks and subordinates in their respective offices as the city council or board of trustees may authorize, and shall be held, severally, responsible for the fidelity of all persons so appointed by them.

110. **Foreign Fire Insurance Companies to Pay Tax or License Fee—Penalty.** § 1. That all corporations, companies and associations not incorporated under the laws of this state, and which are engaged in any city, town or village organized under any general or special law of this state in effecting fire insurance shall pay to the treasurer of the city, town or village, for the maintenance, use and benefit of the fire department thereof, a sum not exceeding two per cent. of the gross receipts received by their agency in such city, town or village. Cities, towns and villages are hereby empowered to prescribe by ordinances the amount of tax or license fee to be fixed, not in excess of the above rate, and at that rate such corporations, companies and associations shall pay, upon the amount of all premiums, which during the year ending on every first day of July shall have been received for any insurance effected or agreed to be effected in the city, town or village, by or with

such corporation, companies or associations respectively. Every person who shall act in any city, town or village as agent, or otherwise for or on behalf of any such corporation, company or association, shall, on or before the fifteenth day of July of each and every year, render to the city, town or village clerk, a full, true and just account, verified by his oath, of all the premiums which during the year ending on every first day of July preceding such report, shall have been received by him or any other person for him in behalf of any such corporation, company or association, and shall specify in said report the amounts received for fire insurance. Such agents shall also pay to the treasurer of any such city, town or village at the time of rendering the aforesaid report, the amount of rates fixed by the ordinances of the said cities, towns or villages for which the companies, corporations or associations represented by them are severally chargeable by virtue of this act, and the ordinances passed in pursuance hereof. If such account be not rendered on or before the day herein designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association so in default to transact any business of insurance in any such city, town or village until the said requisitions shall have been fully complied with; but this provision shall not relieve any company, corporation or association from the payment of any risk that may be taken in violation hereof.

110 a. Penalty for Violating This Act. § 2. Any person or persons violating any of the provisions of this act shall be subject to indictment, and upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not exceeding one thousand (\$1,000) dollars or imprisoned in the county jail not exceeding six (6) months, either or both, in the discretion of the court. The amount of said tax or license fee may also be recovered of such corporation, company or association, or its agent, by an action in the name and for the use of any such city, town or village as for money had and received. (In force July 31, 1895.)

ARTICLE VIII.

THE ASSESSMENT AND COLLECTION OF TAXES

111. Ordinance Levying Taxes—Limitation. § 1. The city council in cities and boards of trustees in villages, may levy and collect taxes for corporate purposes in the manner following: The city council, or board of trustees, as the case

may be, shall, annually, on or before the third (3d) Tuesday in September, in each year, ascertain the total amount of appropriations for all corporate purposes legally made and to be collected from the tax levy of that fiscal year; and, by an ordinance, specifying in detail the purposes for which such appropriations are made, and the sum or amount appropriated for each purpose respectively, levy the amount so ascertained upon all the property subject to taxation within the city or village, as the same is assessed and equalized for state and county purposes for the current year. A certified copy of such ordinance shall be filed with the county clerk of the proper county, whose duty it shall be to ascertain the rate per cent. which, upon the total valuation of all property subject to taxation within the city or village as the same is assessed and equalized for state and county purposes, will produce a net amount of not less than the amount so directed to be levied, and it shall be the duty of the county clerk to extend such tax in a separate column upon the book or books of the collector or collectors of state and county taxes within such city or village. And where the corporate limits of any city or village shall lie partly in two or more counties, the city council or board of trustees shall ascertain the total amount of all taxable property lying within the corporate limits of said city or village in each county as the same is assessed and equalized for state and county purposes for the current year, and certify the amount of taxable property in each county within said city or village, under the seal of said city or village, to the county clerk of the county where the seat of government of such city or village is situated, whose duty it shall be to ascertain the rate per cent. which, upon the total valuation of all property subject to taxation within the city or village, ascertained as aforesaid, will produce a net amount not less than the amount so directed to be levied; and said clerk shall, as soon as said rate per cent. of taxation is ascertained, certify under his hand and seal of office to the county clerk of any other county wherein a portion of said city or village is situated, such rate per cent., and it shall be the duty of such county clerk to whom such rate per cent. is certified to extend such tax in a separate column upon the book or books of the collector or collectors of the state and county taxes for such county against all property in his county within the limits of said city or village: PROVIDED, the aggregate amount of taxes levied for any one year, exclusive of the amount levied for the payment of bonded indebtedness or interest thereon shall not exceed the rate of two (2) per centum upon the aggregate valuation of all property within such city or village subject to tax-

ation therein, as the same was equalized for state and county taxes for the current year. And provided, further, that nothing herein contained shall be held to repeal or modify the limitations contained in Section 49 of an act entitled, "An act for the assessment of property and providing the means therefor, and to repeal a certain act therein named, approved Feb. 25, 1898," (In force July 1, 1899.)

112. **Manner of Collecting.** § 2. The tax so assessed shall be collected and enforced in the same manner and by the same officers as state and county taxes, and shall be paid over by the officers collecting the same to the treasurer of the city or village.

113. **Time of Paying Over.** § 3. It shall be the duty of the officer collecting such tax to settle with and pay over to such treasurer, as often as once in two weeks from the time he shall commence the collection thereof, all such taxes as he shall then have collected, till the whole tax collected shall be paid over.

114. **When Tax Levied for Particular Purpose.** § 4. Whenever any city or village is required to levy a tax for the payment of any particular debt, appropriation or liability of the same, the tax for such purpose shall be included in the total amount assessed by the city council or board of trustees, and certified to the county clerk as aforesaid; but the city council or board of trustees shall determine, in the ordinance making such assessment, what proportion of such total amount shall be applicable to the payment of such particular debt, appropriation or liability; and the city or village treasurer shall set apart such proportion of the tax collected and paid to him for the payment of such particular debt, appropriation or liability, and shall not disburse the same for any other purpose until such debt, appropriation or liability shall have been discharged.

115. **Uniformity.** § 5. All taxes levied or assessed by any city or village, except special assessments for local improvements, shall be uniform upon all taxable property and persons within the limits of the city, and no property shall be exempt therefrom other than such property as may be exempt from taxation under the constitution and general laws of the state.

ARTICLE IX.

SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS.

116. For law relating to same, see R. S. 1899, p. 362, Chap. 24.

ARTICLE X.

MISCELLANEOUS PROVISIONS—WATER.

169. **Water—Borrow Money.** § 1. The city council or board of trustees shall have the power to provide for a supply of water by the boring and sinking of artesian wells, or by the construction and regulation of wells, pumps, cisterns, reservoirs or water works, and to borrow money therefor, and to authorize any person or private corporation to construct and maintain the same at such rates as may be fixed by ordinance, and for a period not exceeding thirty years; also to prevent the unnecessary waste of water; to prevent the pollution of the water, and injuries to such wells, pumps, cisterns, reservoirs or water works.

170. **Acquiring Property for Water Works—Jurisdiction over.** § 2. For the purpose of establishing or supplying water works, any city or village may go beyond its territorial limits, and may take, hold and acquire property by purchase or otherwise; shall have power to take and condemn all necessary lands or property therefor, in the manner provided for the taking or injuring private property for public uses; and the jurisdiction of the city or village to prevent or punish any pollution or injury to the stream or source of water, or to such water works, shall extend five miles beyond its corporate limits, or so far as such water works may extend.

171. **Regulations—Rates, Taxation, etc.** § 3. The city council or board of trustees shall have power to make all needful rules and regulations concerning the use of water supplied by the water works of said city or village, and to do all acts and make such rules and regulations for the construction, completion, management or control of the water works, and for the levying and collecting of any water taxes, rates or assessments, as the said city council or board of trustees may deem necessary and expedient; and such water taxes, rents, rates or assessments may be levied or assessed upon any lot or parcel of ground, having a building or buildings thereon, which shall abut or join any street, avenue or alley in such city or village through which the distributing pipes of such water works (if any) of said city or village are or may be laid, which can be conveniently supplied with water from said pipes: PROVIDED, [whether] the water shall be used on such lot or parcel of ground or not; and the same, when so levied or assessed, shall become a continuing lien or charge upon such lot or parcel of ground, building or buildings, situated thereon, and such lien or charge may be collected or enforced in such manner as the city council may, by

ordinance, prescribe. And the corporate authorities may levy a general tax for the construction and maintenance of such water works, and appropriate money therefor.

172. Tax-payer May Enforce Rights in Name of City, etc.

§ 4. A suit may be brought by any tax-payer, in the name and for the benefit of the city or village, against any person or corporation, to recover any money or property belonging to the city or village, or for any money which may have been paid, expended, or released without authority of law: PROVIDED, that such tax-payer shall file a bond for all costs, and be liable for all costs in case the city or village be cast in the suit, and judgment shall be rendered accordingly.

173. Maps—Approval of. § 5. The city council or board of trustees shall have power to provide, by ordinance, that any map, plat, or subdivision of any block, lot, sub-lot, or part thereof, or of any piece or parcel of land, shall be submitted to the city council or board of trustees, or to some officer to be designated by such council or board of trustees, for their or his approval; and in such cases no such map, plat or subdivision shall be entitled to record in the proper county, or have any validity until it shall have been so approved.

174. Inhabitants Competent as Jurors, etc. § 6. No person shall be an incompetent judge, justice, or juror, by reason of his being an inhabitant or freeholder in said city or village, in any action or proceeding in which said city or village may be a party in interest.

175. Population—Census. § 7. Whenever in this act any provision thereof is based upon the number of inhabitants, [the number of inhabitants] of the city or village shall be determined by reference to the latest census taken by authority of the United States or this state, or of such city or village; and it shall be the duty of the secretary of state, upon the publication of any state or United States census, to certify to each city or village the number of inhabitants, as shown by such census. Any city or village may, by ordinance, provide for the taking of a census of the population thereof, in order to determine the number of such population for any and all purposes of this act. And the several courts in this state shall take judicial notice of the population of any city or village, as the same may appear from the latest federal, state, city, or village census so taken.

176. Municipal Year. § 8. The term "municipal year" shall be construed to mean the period elapsing between the regular annual elections, unless otherwise provided by ordinance.

177. City or Village Need Not Give Appeal Bond. § 9.

When in any suit the city or village prays an appeal from the judgment of any court of this state to a higher court, it shall not be required to furnish an appeal bond.

ARTICLE XI.

THE ORGANIZING OF VILLAGES.

* * * * *

193. No incorporation allowed under former laws. (See Sec. 193 R. S. 1899, p. 290.)

193 *a*. Changing from city to village. (See Sec. 193 *a* R. S. 1899, p. 290.)

MISCELLANEOUS STATUTES.

BONDS.

194. An Act to amend an act, approved April 27, 1877, entitled "An act to amend an act entitled an act relating to county and city debts, and to provide for the payment thereof, by taxation, in such counties and cities, approved February 13, 1865, and to amend the title thereof." (See Sec. 1, et seq, Ch. 113, R. S. 1899, p. 1301.)

194 *a*. An Act to enable counties, cities, townships, school districts, and other municipal corporations, to take up and cancel outstanding bonds and other evidences of indebtedness, and fund the same. [Approved and in force March 26, 1872.] (See Sec. 27 et seq, Ch. 113, R. S. 1899, p. 1309.)

195. Aliens, none but natives and naturalized American citizens and those who in good faith have declared their intention to become naturalized American citizens to be employed. (See Sec. 10 et seq, Chap. 6, R. S. 1899, p. 141.)

195 *a*. Art Commission, when may be created. (See Secs. 633 et seq, Chap. 24, R. S. 1899, p. 388.)

OFFICIAL BONDS.

Act of March 13, 1874.

196. When Additional or New Bonds May Be Required.

§ 1. That all official bonds required by law to be given by any public officer, or public employe, including executor, administrator, guardian or conservator, in this state, shall be signed and sealed by any said officer, employe, executor, administrator, guardian or conservator and his securities, and acknowledged before some officer authorized by law to take acknowledgments of instruments under seal, which said acknowledgments shall be substantially in the following form:

STATE OF ILLINOIS,)
 } ss.
----- County.)

I ----- hereby certify that ----- who are each personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered said instrument as

their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and ----- seal this ----- day of ----- A. D. -----

Which acknowledgment shall be deemed and taken as *prima facie* evidence that the instrument was signed, sealed and acknowledged in the manner therein set forth, and such acknowledgments shall have the same force and effect as evidence in all legal proceedings, as that given to acknowledgments of deeds of conveyance of real estate. That all public officers or employes who are compelled to give official bonds may be required by the court, officer, or board, whose duty it is to take or approve such bonds, to give additional surety or new bonds whenever the security of the original bond has become insufficient by the subsequent insolvency, death or removal of the sureties or any of them, or when for any cause any such bond shall be deemed insufficient. Any officer or employe failing to give bond when required, pursuant to this section; within ten days after he is notified in writing of such request, shall be deemed to have vacated his office.

* * * * *

197. **Release of Sureties.** § 10. When a surety upon the official bond of any state officer or agent, county, town, city, village, incorporated town, or other public officer, or the heir, executor or administrator of such surety, desires to be released from such bond, he may give notice in writing to the officer upon whose bond he is surety that he desires to be released, and that such officer give a new bond with sufficient sureties within ten days after receiving such notice, and may within five days after the service of such notice deliver a copy of the same, with an affidavit showing the time and manner of service to the court, officer, or board authorized to approve the bonds of such officers. And if such officer shall not within ten days after receiving such notice, or within such further time, not exceeding twenty days, as the court, officer or board shall allow, give a new bond with sufficient security, approved as required by law, his office shall become vacant, and the vacancy shall be filled as provided by law.

198. **Effect of New Bond.** § 11. If a new bond shall be given by any officer, as provided in the foregoing sections of this act, then the former sureties shall be entirely released and discharged from all liabilities incurred by any such officer in consequence of business which may have come to hand from and after the time of the approval of the said new bond, and the sureties to the new bond are hereby declared to be liable for all the official delinquencies of said officer, whether of omission or

commission, which may occur after the approval of the new bond as aforesaid; but the provisions of this act shall not be so construed as to operate as a release of the sureties of any of the aforesaid officers, for liabilities incurred previous to the filing of a new bond, as required in the foregoing sections of this act.

199. **When Effects to be Delivered to Sureties.** § 12. It shall be the duty of such officer, if he shall fail to give bond as provided for in this act, forthwith to deliver over to his sureties all books, moneys, vouchers, papers, and every description of property whatever pertaining to his office, and the said sureties may, at any time after said failure to file said bond, maintain an action of replevin, or other appropriate action, to recover such property, money or effects from their said principal.

200. **Suit on Bond—Executors, etc.** § 13. Whenever the condition of the bond of any public officer shall be violated, suit may be instituted on such bond, and prosecuted to final judgment against such officer, and any or all of the sureties, or against one or more of them, jointly and severally, without first establishing the liability of the principal by obtaining judgment against him alone. The provisions of this section shall extend to the official bonds of executors, administrators, guardians and conservators, and in suits thereon it shall not be necessary to a recovery that a devastavit should have previously been established against the principal.

201. **Execution—Lien.** § 14. Execution may issue on any judgment so rendered as in ordinary cases, but the officer executing the same shall not levy upon the property of the sureties until he shall fail to find sufficient property of the principal to satisfy such execution: PROVIDED, however, the judgment and execution shall be a lien upon the property of the sureties as in ordinary cases.

CEMETERIES.

Act of April 24, 1873.

202. **When Cemetery May Be Removed—Expense.** § 1. That whenever any cemetery shall be embraced within the limits of any town or city, it shall be lawful for the corporate authorities thereof, if, in their opinion, any good cause exists why such cemetery should be removed, to cause the remains of all persons interred therein to be removed to some other suitable place: PROVIDED, said corporate authorities shall have first obtained the assent of the trustees or other persons having the control or ownership of said cemetery, or a majority thereof:

And, provided further, that when such cemetery is owned by one or more private parties, or private corporation or chartered society, the corporate authorities of such town or city may require the removal of such cemetery to be done at the expense of such private parties, or private corporation or chartered society, if such removal be based upon their application.

Act of June 14, 1883.

203. Power of City or Village to Establish—Acquire Lands. § 1. That any city, village, or township in this state, may establish or maintain cemeteries, within and without its corporate limits, and acquire lands therefor, by condemnation, or otherwise, and may lay out lots of convenient size for families; and may sell lots for family burying grounds, or to individuals for burial purposes.

COLLECTORS, SETTLEMENT WITH.

R. S. Chap. 120.

204. How to Pay Over Taxes Collected. § 138. The warrant shall direct the town or district collector, after deducting the compensation to which he may be legally entitled, to pay over to the proper officers the amount of tax collected for the support of highways and bridges, and to the supervisor of the town the moneys which shall have been collected therein, to defray town expenses; to the proper school officer, the district school tax; to the city or incorporated town or village treasurer, or other proper officer, the taxes or special assessments collected by him for such city or incorporated town or village, or others, as often and at such times as may be demanded by the proper officer; and to the county collector, the county tax and the taxes payable to the state treasury collected by him.

205. Thirty Day Settlements with Cities, etc. § 164. Town and district collectors shall, every thirty days, when required so to do by the proper authorities of incorporated towns, cities and villages, road and school districts, for which any tax is collected, render to said authorities a statement of the amount of each kind of tax collected for the same, and at the same time pay over to such authorities the amount so shown to be collected.

207. Final Settlement for Local Taxes Before Return. § 167. Each town and district collector shall make final settlement for the township, district, city, village, and town taxes,

charged in the tax books, at or before the time fixed in this act for the paying over and making final settlement for state and county taxes collected by them. In such settlements, said collectors shall be entitled to credit for the amount of their commissions on the amount collected, and for the amount uncollected on the tax books, as may be determined by the settlement with the county collector.

208. To Pay Cities, etc., Every Ten Days. § 244. The county collector shall report and pay over the amount of tax and special assessments, due to towns, districts, cities, villages, corporations and persons, collected by him on delinquent property, at least once in every ten days, when demanded by the property authorities or persons.

DRAM SHOPS.

Act of March 30, 1874.

209. Dram Shop Defined. § 1. That a dram shop is a place where spirituous or vinous or malt liquors are retailed by less quantity than one gallon, and intoxicating liquors shall be deemed to include all such liquors within the meaning of this act.

210. Selling Liquor Without License. § 2. Whoever, not having a license to keep a dram shop, shall, by himself or another, either as principal, clerk or servant, directly or indirectly, sell any intoxicating liquor in any less quantity than one gallon, or in any quantity to be drank upon the premises, or in or upon any adjacent room, building, yard, premises or place of public resort, shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100), or imprisoned in the county jail not less than ten nor more than thirty days, or both in the discretion of the court. (In force July 1, 1877.)

211. How License May be Granted. § 1. That hereafter it shall not be lawful for the corporate authorities of any city, town or village in this state, to grant a license for the keeping of a dram shop, except upon the payment, in advance, into the treasury of the city, town or village granting the license, such sum as may be determined by the respective authorities of such city, town or village, not less than at the rate of five hundred (\$500) per annum: PROVIDED, that in all cases when a license for the sale of malt liquors only is granted, the city, town or village granting such license, may grant the same on the payment, in advance, of the sum of not less than at the rate of one hundred and fifty dollars (\$150) per annum: And, pro-

vided further, that the city councils in cities, the board of trustees in towns, and president and board of trustees in villages, may grant permits to pharmacists for the sale of liquors for medicinal, mechanical, sacramental and chemical purposes only, under such restrictions and regulations as may be provided by ordinance.

212. How License May be Granted by County Board.

§ 2. The county boards of each county may grant licenses to keep so many dram shops in their county as they may think the public good requires, upon the application, by petition, of a majority of the legal voters of the town, if the county is under township organization, and if not under township organization, then of a majority of the legal voters of the election precinct or district where the same is proposed to be located, and upon the payment into the county treasury of such sum as the board may require, not less than five hundred dollars (\$500) per annum for each license; and upon compliance with the provisions of an act entitled "An act to provide for the licensing of, and against the evils arising from the sale of intoxicating liquors," approved March 3, 1874; in force July 1, 1874: PROVIDED, that in all cases where a license is granted for the sale of malt liquors only, such board may grant the same, upon the payment into the county treasury, of a sum not less than one hundred and fifty dollars (\$150) per annum for each license: PROVIDED further, such board shall not have power to issue any license to keep a dram shop in any incorporated city, town or village, or within two miles of the same, in which the corporate authorities have authority to license, regulate, restrain or prohibit the sale of liquors, or in any place where the sale of liquor is prohibited by law.

213. Form of License—Rights Under—May be Revoked.

§ 4. The license shall state the time for which it is granted, which shall not exceed one year, the place where the dram shop is to be kept, and shall not be transferable, nor shall the person licensed keep a dram shop at more than one place at the same time, and any license granted may be revoked by the county board whenever they shall be satisfied that the person licensed has violated any of the provisions of this act, or keeps a disorderly or ill-governed house or place of resort for idle or dissolute persons, or allows any illegal gaming in his dram shop, or any house or place adjacent thereto.

214. Bond—How Taken—Suit On. § 5. No person shall be licensed to keep a dram shop, or to sell intoxicating liquors, by any county board, or the authorities of any city, town or village, unless he shall first give bond in the penal sum of \$3,000,

payable to the people of the state of Illinois, with at least two good and sufficient sureties, freeholders of the county in which the license is to be granted, to be approved by the officer who may be authorized to issue the license, conditioned that he will pay to all persons all damages that they may sustain, either in person or property, or means of support, by reason of the person so obtaining a license selling or giving away intoxicating liquors. The officer taking such bond may examine any person offered as security upon any such bond, under oath, and require him to subscribe and swear to his statement in regard to his pecuniary ability to become such security. Any bond taken pursuant to this section may be sued upon for the use of any person, or his legal representatives, who may be injured by reason of the selling or giving away any intoxicating liquor by the person so licensed, or by his agent or servant.

EVIDENCE.

Act of March 29, 1872.

215. Records, etc., of Cities, etc.—How Certified. § 14. The papers, entries, records and ordinances, or parts thereof, of any city, village, town or county, may be proved by a copy thereof, certified under the hand of the clerk or the keeper thereof, and the corporate seal, if there be any; if not, under his hand and private seal.

* * * * *

216. Form of Certificate. § 16. The certificate of any such clerk of a court, city, village, town, county, or secretary, clerk, cashier, or other keeper of any such papers, entries, records or ordinances, shall contain a statement that such person is the keeper of the same, and if there is no seal, shall so state.

* * * * *

217. Sworn Copies. § 18. Any such papers, entries, records and ordinances may be proved by copies examined and sworn to by credible witnesses.

218. Penalty. § 19. If any such officer, clerk, secretary, cashier, justice of the peace, or other person authorized to certify copies of any papers, entries, records or ordinances, shall knowingly make a false certificate, he shall be punishable in the same manner as if he were guilty of perjury.

FEES.

219. Fees of Police Magistrate and Justices. See Sec.

40, Chap. 53, R. S. 1899, p. 888. Said section concluding as follows: PROVIDED, that the costs in criminal and quasi criminal prosecutions for the violation of an ordinance of an incorporated city or town, where the provisions of the charters of such towns or cities do not prohibit the payment of such costs, may be paid by such city or town, in the discretion of the city council or board of trustees of such incorporated cities or towns. (In force July 1, 1873.)

220. **Fees of Town Collector.** § 36. * * * Each town collector shall be allowed a commission of two per cent. on all monies collected by him to be paid out of the respective funds collected; * * * etc. Sec 36, Chap. 53, p 888 R. S., 1899.

221. **Fees of County Collector.** § 21. County collectors shall be allowed a commission on all moneys collected by them and paid over to the proper officer, of three (3) per cent. in counties of the first class; of two (2) per cent. in counties of the second class; of one and one-half per cent. in counties of the third class, excepting on all moneys said county collectors collect for incorporated cities, villages and other municipalities in counties under township organization, upon which said county collector shall be allowed a commission of one (1) per cent. on all moneys collected by them for such cities and paid over by them to the proper officer; and excepting further, in counties having adopted township organization, county collectors, shall be allowed on moneys paid over to them by township collectors, as commission on such moneys in counties of first class, only one and one-half ($1\frac{1}{2}$) per cent; in counties of second class only one (1) per cent., and in counties of third class, only three-fourths ($\frac{3}{4}$) of one per cent. In addition to the foregoing, said county collectors shall be allowed in settlement of state taxes with the auditor, ten cents per mile for each mile of necessary travel in going to and returning from the seat of government for the purpose of paying over such tax. They shall also be allowed for making lists of delinquent real estate, to be filed with the county clerk for judgment, three (3) cents for each tract or lot; a like fee for making delinquent lists for the printer, and for selling lands and town lots ten (10) cents for each tract and three (3) cents for each lot to be charged and collected as costs. (In force July 1, 1877.)

GAS PIPES, ETC.

Act of June 5, 1897.

222. **Conditions Upon Which Privileges to Lay Pipes or**

String Wires for Lighting Purposes in Streets May be Granted—Remedy of Property Owners. § 1. That the city council in cities, or the president and board of trustees in villages and incorporated towns shall have no power to pass an ordinance granting to any person or corporation the right or privilege to lay any gas pipes for the distribution of inflammable gas for fuel or lighting purposes, or to pass an ordinance granting to any person or corporation the right or privilege to lay in or on the ground, or string on poles any wires on, over or by which electricity for lighting purposes is to be used, conveyed or distributed in any street, alley or public ground in any such city, village or incorporated town, except upon the petition of the owner of the land representing more than one-half of the frontage on the street or alley, or so much thereof as is sought to be used for the purposes above mentioned, or any or either of them, and when the street or alley, or part thereof sought to be used shall be more than one mile in length, no right or privilege to lay pipes, or lay or string wires for lighting purposes shall be granted, unless a petition therefor shall be presented to the city council of the city, or board of trustees of the incorporated town or village in which such right or privilege is sought, signed by the owners of the land representing more than one-half of the frontage of each mile, and of the fraction of a mile, if any, in excess of the whole mile, measuring from the initial point named in such petition, of such street or alley, or of the part thereof sought to be used for the purposes above mentioned, or either of them. Any person being the owner of, or interested in any lot fronting on any street or alley, or part thereof, as is sought to be used for any or either of such purposes, shall have the right by bill in chancery, in his or their own name, to enjoin any person or corporation from using such street or alley, or part of street or alley for either of such purposes, under any grant by the city council or board of trustees, which is not made in conformity with the provisions hereof, and the sufficiency of the petition herein required, shall be ascertained by the court in which such bill in chancery may be filed.

HOUSES OF CORRECTION.

223. An act to establish houses of correction, and authorize the confinement of convicted persons, therein. [Approved April 25, 1871.] (See R. S. 1899, page 955.)

224. An act to authorize cities to establish houses of correction outside of the corporate limits and authorize the confine-

ment of convicted persons therein. (In force July 1, 1897. See R. S. 1899, page 361.)

HOUSES OF ILL-FAME.

Act of March 27, 1874.

225. **Licensing and Medical Inspection Forbidden.** § 1. That it shall be unlawful for the corporate authorities of any city, town or village in this state to grant a license to any person, male or female, to keep what is known as a house of ill-fame or house of prostitution. And it shall be unlawful for any board of health (or any member or employe of the same) now existing, or which may hereafter exist under the laws of this state, to interfere in the management of any house of ill-fame or house of prostitution, or to provide in any manner for the medical inspection or examination of any inmate of the same.

IMPRISONMENT FOR FINE.

Ch. 79, R. S., 1899, p 1089.

226. **No Imprisonment Without Conviction by a Jury Unless Jury Waived.** § 12. No person shall be imprisoned for non-payment of a fine or a judgment in any civil, criminal, quasi criminal, or qui tam action except upon conviction by a jury: PROVIDED, that the defendant or defendants in any such action may waive a jury trial by executing a formal waiver in writing; and when such waiver of jury is made, imprisonment may follow the judgment of the court without conviction by the jury. This section shall not apply to fines inflicted for contempt of court.

LIBRARIES.

227. **An Act to Authorize Cities, Incorporated Towns and Townships to Establish and Maintain Free Public Libraries and Reading Rooms.** (Approved and in force March 7, 1872.) See R. S. 1899, chap. 81, p 1096.

LIEN FOR PUBLIC IMPROVEMENTS.

R. S. 1899, ch. 82, p 1110.

228. **Lien on the Money, Bond or Warrants Due Con-**

tractor. § 24. Any person who shall furnish material, apparatus, fixtures, machinery or labor to any contractor for a public improvement in this state, shall have a lien on the money, bonds or warrants due or to become due such contractor for such improvement: PROVIDED, such person shall, before any payment or delivery thereof is made to such contractor, notify the officials of this state, county, township, city or municipality whose duty it is to pay such contractor, of his claim by a written notice and the full particulars thereof. It shall be the duty of such officials so notified to withhold a sufficient amount to pay such claim until it is admitted, or by law established, and thereupon to pay the amount thereof to such person and such payment shall be a credit on the contract price to be paid to such contractor.

Any officer violating the duty hereby imposed upon him shall be liable on his official bond to the person serving such notice for the damages resulting from such violation, which may be recovered in an action at law in any court of competent jurisdiction. There shall be no preference between the persons serving such notice, but all shall be paid pro rata in proportion to the amount due under their respective contracts.

MARKETING PRODUCTS.

Act January 13, 1872.

229. Farmer, etc., May Sell Products Without License.

§ 1. That every farmer, fruit and vine grower, and gardener shall have an undisputed right to sell the produce of his farm, orchard, vineyard and garden in any place or market where such articles are usually sold, and in any quantity he may think proper, without paying any state, county or city tax or license for doing so, any law, city or town ordinance to the contrary notwithstanding: PROVIDED, that the corporate authorities of any such city, town or village may prohibit the obstruction of its streets, alleys and public places for any such purpose: And provided further, that nothing in this act shall be so construed as to authorize the sale of spirituous, vinous or malt liquors, contrary to laws which now or hereafter may be in force prohibiting the sale thereof.

MAYOR'S BILL.

Act of April 10, 1875.

230. **Power of Mayor and Council—Repeal.** § 1. (Section 1 of this act is repealed by act approved May 28, 1879.)

231. **Approval and Veto of Ordinances.** § 2. All ordinances passed by the city council shall, before they take effect be deposited in the office of the city clerk, and if the mayor approves thereof, he shall sign the same, and such as he shall not approve he shall return to the council, with his objections thereto, in writing, at the next regular meeting of the council occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance, and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force; but in case the mayor shall fail to return any ordinance with his objections thereto, by the time aforesaid, he shall be deemed to have approved such ordinance, and the same shall take effect accordingly.

232. **Passage Over Mayor's Veto** § 3. Upon the return of any ordinance by the mayor, the vote by which the same was passed shall be reconsidered by the council; and if, after such reconsideration, two-thirds of all members elected to the city council shall agree, by yeas and nays, to pass the same, it shall go into effect, notwithstanding the mayor may refuse to approve thereof. The vote to pass the same over the mayor's veto shall be taken by yeas and nays, and entered on the journal.

233. **Emergency.** § 4. Whereas, the legislative authorities in many cities pass their appropriation bills before the first day of July next, and mayors have no power to veto a part of such appropriation or ordinance, wherefore an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

NAME—CHANGING OF.

234. **An Act to Enable any City, Town or Village in This State to Change its Name.** (In force July 1, 1872.) See R. S., 1899, p. 305.

NON-RESIDENTS.

235. **Non-residents not to Be Sheriff, Special Policeman, etc.** § 1. That it shall be unlawful for the sheriff of any county, or the corporate authorities of any city, town or village to authorize, empower, employ or permit any person to act as deputy sheriff, special constable or special policeman, for the

purpose of preserving the peace who is not a citizen of the United States and has not been an actual resident of the county where such person is authorized to act as deputy sheriff, special constable or special policemen, one whole year before such authorization.

236. **Penalty.** § 2. Any sheriff or public officer violating the provision of this act, shall be deemed guilty of a misdemeanor, and shall on conviction, be punished by a fine of not less than \$100, and not more than \$500.

OFFICERS.

R. S. Ch. 38, Div. 6, Sec. 2.

237. **Duty of Officers.** § 2. It shall be the duty of every sheriff, coroner, constable, and every marshal, policeman, or other officer of any incorporated city, town or village, having the power of a sheriff or constable, when any criminal offense or breach of the peace is committed or attempted in his presence, forthwith to apprehend the offender and bring him before some justice of the peace, to be dealt with according to law; to suppress all riots and unlawful assemblies and to keep the peace, and without delay to serve and execute all warrants, writs, precepts, and other process to him lawfully directed.

* * * * *

238. **Aldermen of Cities—Trustees of Villages.** § 2. That it shall be and is hereby declared unlawful for any alderman of any city, or member of the board of trustees of any village of this state, during the term of office for which he is elected, to accept or be appointed to or hold any office, by the appointment of the mayor or president of the board of trustees there of; and any and all such election or appointment shall be absolutely null and void.

239. **Not to be Interested in Contracts—Not to Act as Attorney to Procure—Bribery.** § 3. It shall not be lawful for any person, now or hereafter holding any office, either by election or appointment, under the constitution of this state, to become in any manner interested either directly or indirectly, in his own name or in the name of any other person or corporation, in any contract, or the performance of any work in the making or letting of which such officer may be called upon to act or vote. And it shall not be lawful for any such officer to represent, either as agent or otherwise, any person, company or corporation, in respect of any application or bid for any

contract or work in regard to which such officer may be called upon to vote. Nor shall any such officer take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value, as a gift or bribe, or a means of influencing his vote or action in his official character; and any and all contracts made and procured in violation hereof, shall be null and void.

240. **Penalty.** § 4. Any alderman, member of a board of trustees, supervisor, or county commissioner, or person now or hereafter holding any office, either by election or appointment under the constitution of this state, or any law now or hereafter in force in this state, who shall violate any of the provisions of the preceding sections, shall be deemed guilty of a misdemeanor, and on conviction thereof may be punished by confinement in the penitentiary for a term not less than one year nor more than five years or fined in a sum not less than \$200 nor more than \$1,000, or both, in the discretion of the court before which such conviction shall be had; and in addition thereto, any office or official position held by any person or persons so convicted shall, by the fact of such conviction, become vacant, and shall be so declared as part of the judgment of court; and the person or persons so convicted shall be disqualified from holding any office or position of trust and confidence in this state for the period of two years from and after the date of such conviction.

241. **Officers—Misconduct of.** See Chap. 38, Secs. 208 to 219, R. S. 1899, p. 604.

OFFICERS—RESIGNATION AND VACANCIES.

Act of April 3, 1872.

242. **Of Elective Officers** § 124. Resignations of elective offices shall be made to the officer, court or county board authorized by law to fill a vacancy in such office by appointment, or to order an election to fill such vacancy.

243. **When Office Becomes Vacant.** § 125. Every elective office shall become vacant on the happening of either of the following events, before the expiration of the term of such office:

First. The death of the incumbent.

Second. His resignation.

Third. His becoming insane.

Fourth. His ceasing to be an inhabitant of the state; or,

if the office is local, his ceasing to be an inhabitant of the district, county, town or precinct for which he was elected.

Fifth. His conviction of an infamous crime, or of any offense involving a violation of official oath.

Sixth. His removal from office.

Seventh. His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit or file such oath or bond within the time prescribed by law.

Eighth. The decision of a competent tribunal declaring his election void.

244. Who May Determine When Vacancy Exists. § 126. Whenever it is alleged that a vacancy in any office exists, the officer, court, or county board, whose duty it is to fill the vacancy by appointment, or to order an election to fill such vacancy, shall have power to determine whether or not the facts occasioning such vacancy exists.

OFFICERS—SALARIES OF.

Act of April 23, 1873.

245. When to be Fixed—Not Changed During Term. § 1 It shall and may be lawful for the common council or legislative authority of any city in this state to establish and fix the amount of salary to be paid any and all city officers, as the case may be, except members of such legislative body, in the annual appropriation bill or ordinance made for the purpose of providing for the annual expenses of any such city, or by some ordinance prior to the passage of such annual appropriation bill or ordinance; and the salaries or compensation thus fixed or established, shall neither be increased nor diminished by the said common council or legislative authority of any such city, after the passage of said annual appropriation bill or ordinance, during the year for which such appropriation is made, and no extra compensation shall ever be allowed to any such officer or employe over and above that provided in manner aforesaid.

246. Emergency. § 2. WHEREAS, the corporate authorities of certain cities in this state have no power to establish or fix the salaries of their city officers in certain cases, whereby an emergency exists requiring this act to take immediate effect; therefore, this act shall take effect and be in force from and after its passage.

OIL INSPECTION.

Act of March 12, 1874.

247. Appointment of Inspectors—Term of Office—Deputies. § 1. The judge of the county court of any county for townships outside of incorporated cities, towns and villages, the mayor of any city, with the approval of the city council and the board of trustees of any village or town, may, and on the petition of any five inhabitants thereof, shall, appoint one or more inspectors for the inspection of coal oil, naptha, gasoline, benzine, and other mineral oils or fluids, the product of petroleum, and fix their compensation, to be paid by the party requiring their services. Every such inspector shall hold his office for one year, and until his successor is appointed and qualified, unless sooner removed from office. He may appoint deputies, for whom he shall be responsible, and who shall take the same oath and be liable to the same penalties as the inspector.

248. Oath—Bond—Suit On. § 2. Every such inspector, before entering upon the duties of his office, shall take and subscribe the following oath:

I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of oil inspector, according to the best of my ability.

He shall also execute a bond payable to the people of the state, in such sum as shall be required by the county judge, city council or board of trustees, with one or more sureties to be approved by the county judge, mayor, or president of the board of trustees, conditioned for the faithful discharge of the duties of his office. Any person aggrieved by the misconduct or neglect of such inspector may maintain (suit) thereon for his own use. (In force July 1, 1887.)

249. Inspector to Test. § 3. Upon the application of any manufacturer, refiner or producer of, or any dealer in, any such oil or fluid, or of any officer or person to test any such oil or fluid, such inspector shall test the same with all reasonable dispatch by applying the fire test, as indicated and determined by J. Tagliabue's pyrometer, or some other instrument or means equally accurate, with which he shall have provided himself at his own expense.

250. Test—Casks Marked—Inspector Not to Trade in Oil. § 4. If the oils or fluids so tested will not ignite or explode at a temperature less than one hundred and fifty degrees Fahrenheit, the inspector shall mark, plainly and indelibly, on each cask, barrel or package "Approved, fire test being

-----;" but if said oils or fluids will ignite at a temperature less than one hundred and fifty degrees Fahrenheit, as aforesaid, then the inspector shall mark on each cask, barrel or package "Condemned for illuminating purposes; fire test being-----." Said inspector, while in office, shall not buy, sell, bargain or trade, directly or indirectly, in any of the said oils or fluids.

251. Record Kept, and Open to Examination. § 5. He shall also within twenty-four hours after making any inspection, make a full, and fair entry thereof in a record book to be kept for that purpose, which shall be open to all persons wishing to examine the same.

252. Penalty for Misconduct in Office § 6. Any such inspector or deputy who shall falsely brand any package, cask or barrel, or be guilty of any fraud, deceit, misconduct or culpable negligence in the performance of any of his official duties, shall be fined not exceeding \$200, and be liable to the party injured for all damages occasioned thereby.

253. Penalty for Neglect to Give Notice of, or Selling Oil Not Inspected—Counterfeit Brands, etc. § 7. Any manufacturer, refiner or producer of, or any dealer in coal oil, naphtha, gasoline, benzine, or other mineral oil or fluid, the product of petroleum, in any city, village or town in which such inspector is appointed, who shall neglect to give notice to such inspector, of any such oil or fluid in his possession not already inspected by some authorized inspector of this state, within two days after the same is made or refined by him or received into his possession, or shall offer any such oil or fluid for sale before the same has been so inspected, or shall sell or attempt to sell to any person, for illuminating purposes, any such oil which is below the approved standard—that is, having igniting point less than one hundred and fifty degrees Fahrenheit, as indicated and determined in the manner herein provided, or shall use any package, cask, barrel or other thing having the inspection brand thereon, the oil or fluid therein not having been inspected, or shall counterfeit any brand, shall be fined not exceeding \$200, and be liable to the party injured for all damages occasioned thereby, and all the casks, barrels or packages so falsely used, and their contents, shall be forfeited, and may be seized and sold

254. Fines, How Recovered and Disposed of. § 8. The fines herein provided may be recovered in the name of the people of the state of Illinois, before any justice of the peace of the county where the offense is committed, and when collected, one half shall be paid to the informer, and the other half and

the proceeds of the sale of all casks, barrels and packages, and the contents thereof seized, as herein provided, shall be paid into the city, village or town treasury.

PLUMBERS, LICENSING OF, ETC.

Act of June 10, 1897.

255. Person Working as Plumber to Receive Certificate.

§ 1. That any person now or hereafter engaging in or working at the business of plumbing in cities or towns of 5,000 inhabitants or more in this state, either as a master plumber or employing plumber or as a journeyman plumber, shall first receive a certificate thereof, in accordance with the provisions of this act.

256 Board to Examine Plumber's Certificate. § 2.

Any person desiring to engage in or work at the business of plumbing, either as a master plumber or employing plumber, or as a journeyman plumber, shall make application to a board of examiners hereinafter provided for, and shall, at such time and place as said board may designate, be compelled to pass such examination as to his qualifications, as said board may direct; said examination may be made in whole or in part, or (in) writing, and shall be of a practical and elementary character, but sufficiently strict to test the qualifications of the applicant.

257. Board to Be Appointed by the Mayor. § 3 That there shall be in every city, town or village, of 10,000 inhabitants or more, a board of examiners of plumbers, consisting of three members one of which shall be the chairman of the board of health, who shall be office (ex-officio) chairman of said board of examiners, a second member, who shall be a master plumber, and a third member who shall be a journeyman plumber. Said second and third member shall be appointed by the mayor and approved by the (city) council or by the board of trustees of said town, or village, within three months after the passage of this act, for the term of one year from the first day of May, in the year of appointment, and thereafter annually before the first day of May, and shall be paid from the treasury of said city, town or village, the same as other officers, in such sums as the authorities may designate.

258. Meeting of Board of Examiners—Scope of Examination—Certificate of Qualification—Fee for. § 4. Said board of examiners shall, as soon as may be, after the appointment, meet and shall then designate the times and places for the examination of all applicants desiring to engage in, or work at,

the business of plumbing, within their respective jurisdiction. Said board shall examine said applicants as to their practical knowledge of plumbing, house drainage, and plumbing ventilation; and, if satisfied of the competency of such applicants, shall thereupon issue a certificate to such applicant, authorizing him to engage in, or work at, the business of plumbing, whether as master plumber, or employing plumber, or as a journeyman plumber.

The fee for a certificate for a master plumber, or employing plumber, shall be \$5.00; for a journeyman plumber it shall be \$1.00. Said certificate shall be valid and have force throughout the state, and all fees received for said certificates shall be paid into the treasury of the city, town or village where said certificates are issued.

259. Cities, etc., to Prescribe Rules and Regulations for the Material Constructions, Alterations and Inspection of All Plumbing and Sewerage, etc. § 5. Each city, town or village, in this state, having a system of water supply or sewerage, shall by ordinance or by-law, within three months of the passage of this act, prescribe rules and regulations for the materials, constructions, alteration and inspection of all plumbing and sewerage placed in, or in connection with, any building in such city, town or village; and the board of health, or proper authorities, shall further provide that no plumbing work shall be done, except in case of repairing leaks, without a permit being first issued therefor, upon such terms and conditions as such city, town or village, shall prescribe.

260. Who Required to Take Examination and Procure Certificates. § 6. All persons who are required by this act to take examinations and procure a certificate as required by this act shall apply to the board in the city where he resides or to the board nearest his place of residence.

261. Penalty for Violating Act. § 7. Any person violating any provision of this act shall be deemed guilty of a misdemeanor, and be subject to a fine of not less than five dollars (\$5) nor exceeding fifty dollars (\$50) for each and every violation therefor, and his certificate may be revoked by the board of health or proper authorities of this city, town or village.

PLATS.

Act of March 21, 1874.

262. Laying Out Towns, etc. § 1. Whenever the owner

of lands shall wish to subdivide the same into two or more parts for the purpose of laying out a town, or making any addition to any city, village or town, or of re-subdividing any lots or blocks therein, he shall cause the same to be surveyed and a plat thereof to be made by the county surveyor or some other competent surveyor. which plat shall particularly describe and set forth all the streets, alleys, common or public grounds, and all the in and out lots or fractional lots or blocks within, adjoining or adjacent to the land so divided, giving the names, widths, courses and extent of all such streets and alleys, and numbering all lots and blocks by progressive numbers, giving their precise length and width. Reference shall also be made upon the plat to some known and permanent monument from which future surveys may be made, or, if no such monument shall exist within convenient distance, the surveyor shall, at the time of making his survey, plant, and fix in such manner that the same shall not be moved by frost, at the corner of some public ground, or, if there be none, then at the corner of some lot or block most convenient for reference, a good and sufficient stone, to be furnished by the person for whom the survey is made, and designate upon the plat the point where the same may be found.

263. Certificate of Surveyor—Acknowledgment—Record.

§ 2. The plat having been completed, shall be certified by the surveyor and acknowledged by the owner of the land, or his attorney duly authorized, in the same manner as deeds of land are required to be acknowledged. The certificate of the surveyor and of acknowledgment, together with the plat, shall be recorded in the recorder's office of the county in which the land is situated, and such acknowledgment and record shall have like effect and certified copies thereof and of such plat or of any plat heretofore acknowledged and certified according to law, may be used in evidence to the same extent and with like effect, as in case of deeds.

264. Dedication, Effect of. § 3. The acknowledgment and recording of such plat shall be held in law and in equity to be a conveyance in fee simple of such portions of the premises platted as are marked or noted on such plat as donated or granted to the public, or any person, religious society, corporation or body politic, and as a general warranty against the donor, his heirs and representatives to such donee or grantee for their use or for the use and purposes therein named or intended, and for no other use or purpose. And the premises intended for any street, alley, way, common or other public use in any city, village or town, or addition thereto, shall be held in

the corporate name thereof in trust to and for the uses and purposes set forth or intended.

265. **Neglect to Plant Corner Stone, etc.** § 4. Whoever shall lay out any town or make any addition to any city, village or town, or resubdivide any lots or blocks therein, and neglect to plant any corner stone when required by this act, or shall survey the same or cause it to be surveyed in any other manner than that which is prescribed in this act, shall be fined in any sum not less than 25 nor exceeding \$100.

266. **Penalty for Selling Without Plat Recorded, etc.** § 5. Whoever shall sell or offer for sale, or lease for any time exceeding five years, any lot or block in any town, city or village, or any addition thereto, or any resubdivision of any lot or block therein, before all the requisitions of this act have been complied with, shall be fined \$25 for each lot or block or part thereof so disposed of, offered for sale or leased.

VACATION OF PLATS.

267. **Of the Whole Plat.** § 6. Any such plat may be vacated by the owner of the premises at any time before the sale of any lot therein, by a written instrument declaring the same to be vacated, executed, acknowledged or proved, and recorded in like manner as deeds of land; which declaration being duly recorded, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described in such plat. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

268. **Of Part of Plat.** § 7. Any part of a plat may be vacated in the manner provided in the preceding section, and subject to the conditions therein prescribed: PROVIDED, such vacation shall not abridge or destroy any of the rights or privileges of other proprietors in such plat: And, provided, further, that nothing contained in this section shall authorize the closing or obstructing of any public highway laid out according to law.

269. **Canceling Plat of Record.** § 8. When any plat or part thereof is vacated, the recorder in whose office the plat is recorded shall, upon the recording of such vacation, write in plain letters across the plat or part so vacated the word "vacated," and shall also make a reference on the same to the volume and page in which the instrument of vacation is recorded.

PLATS TO BE RECORDED.

270. **Plats of Highways, etc., to be Made and Recorded.**

§ 9. Whenever any highway, road, street, alley, public ground, toll-road, railroad or canal is laid out, located, opened, widened or extended, or the location thereof altered, it shall be the duty of the commissioners, authorities, officers, persons or corporations, public or private, laying out, locating, opening, widening, extending or altering the same, to cause a plat thereof showing the width, courses and extent thereof, and making such reference to known and established corners or monuments that the location thereof may be ascertained, to be made, and recorded in the office of the recorder of the county in which the premises taken or used for the same, or any part thereof, are situated, within six months after such highway, road, street, alley, public ground, toll-road, railroad or canal is laid out, located, opened, widened or extended, or the location thereof altered; and when any highway, road, street, alley, public ground, toll-road, railroad or canal is vacated, the order, ordinance or other declaration vacating the same shall be in like manner recorded. This act shall not be construed to alter or affect any law specifically providing for the recording of any such plat, or to require the same to be recorded sooner than is so specifically provided; except that any requirements to record such plat in any other place than is provided herein shall not excuse the parties from complying with this act. Whoever shall refuse or neglect to comply with this section shall forfeit \$25, and the like sum for every month he shall continue in such refusal or neglect after conviction therefor, to be recovered before any justice of the peace of the county, in the name of the county, one-half to the use of the county and the other half to the use of the person complaining.

POLICE AND FIREMEN'S RELIEF FUND.

271. An act to amend "An Act for the relief of disabled members of the police and fire departments in cities and villages," approved May 24, 1877. In force July 1, 1877. [Approved May 10, 1879. In force July 1, 1879.] Sec. 382 et seq, Chap. 24, R. S. 1899, p. 338.

272. **Pleasure Driveways—Incorporated Cities.** Act providing for, Sec. 435 et seq, Chap. 24, R. S. 1899, p. 349.

POLICE MAGISTRATES.

Act of April 13, 1875.

273. **Election and Term of Office—Jurisdiction.** § 1. That all towns, cities and villages in the state which have been incorporated under charters granted by special acts, or under a general act, when the law under which they are incorporated does not authorize the election of a police magistrate, be and they are hereby authorized to elect one police magistrate at the first annual election of town, city or village officers that shall occur after the passage of this act, and quadrennially thereafter. Such police magistrates shall hold their offices for the same term, be commissioned and qualified, and have the same jurisdiction and fees, as police magistrates of villages have under the general law for the incorporation of cities and villages

PUBLIC BUILDINGS

Act of March 28, 1874.

274. **Doors to Open Outward.** § 1. That all public buildings now in process of construction, or hereafter to be built or constructed, which may or shall be used for churches, school houses, operas, theatres, lecture rooms, hotels, public meetings, town halls, or which may or shall be used for any purpose whereby a collection of people may be assembled together for religious worship, amusement or instruction, shall be so built and constructed that all doors leading from the main hall or place where said collection of people may be assembled, or from the principal room which may be used for any of the purposes aforesaid, shall be so swung upon their hinges and constructed that such doors shall open outward; and that all means of egress for the public from the main hall or principal room, and from the building, shall be by means of doors which shall open outwards from the main hall or building.

275. **Penalty.** § 2. That any person or persons who shall fail or refuse to comply with the provisions of this act shall be fined in any sum not less than \$100 nor more than \$1,000.

276. **When Public Buildings May be Closed.** § 3. That in all cities and towns having a population of two thousand inhabitants, and upward, the mayor, or other corporate authorities of said town or city, shall be empowered, and he is hereby

authorized to close and prohibit all public buildings, hereafter erected, from being used in violation of this act.

RAILROADS.

Act of March 31, 1874.

277. Starting Train Without Signal. § 7. If any engineer on any railroad shall start his train at any station, or within any city, incorporated town or village, without ringing the bell or sounding the whistle a reasonable time before starting, he shall forfeit a sum not less than \$10 nor more than \$100, to be recovered in an action of debt in the name of the people of the state of Illinois, and such corporation shall also forfeit a like sum, to be recovered in the same manner.

278. Approaches at Crossings. § 8. Hereafter, at all of the railroad crossings of highways and streets in this state, the several railroad corporations in this state shall construct and maintain said crossings, and the approaches thereto, within their respective rights of way, so that at all times they shall be safe as to persons and property.

279. Neglect to Make, etc.—Crossings—Notice. § 9. Whenever any railroad corporation shall neglect to construct and maintain any of its crossings and approaches, as provided in Section 8 of this act, it shall be the duty of the proper public authorities, having the charge of such highways or streets, to notify, in writing, the nearest agent of said railroad corporation of the condition of said crossing or approaches, and direct the same to be constructed, altered or repaired in such manner as they shall deem necessary for the safety of persons and property.

280. When Company Neglects, Authorities to Construct, etc. § 10. If any railroad corporation of this state shall, after having been notified, as provided in Section 9 of this act, neglect or refuse to construct, alter or repair such crossing or approaches within thirty days after such notice, then said public authorities shall forthwith cause such construction, alteration or repairs to be made.

281. Company to Pay Expense, and \$100. § 11. Said railroad corporation shall be holden for all necessary expenses incurred in making such construction, alteration and repairs, and in addition thereto shall be liable to a fine of \$100 for such neglect to comply with the requirements of this act, which fine shall be enforced by the said public authorities, in the name of

the people of the state of Illinois, before any court of competent jurisdiction in the county. Such fine, when collected, to be paid into the treasury of the authorities enforcing the fine.

282. **Not to Obstruct Highway—Stoning, etc., Train.** § 14. No railroad corporation shall obstruct any public highway by stopping any train upon, or by leaving any car or locomotive engine standing on its track where the same intersects or crosses such public highways, except for the purpose of receiving or discharging passengers or freight, or for taking in or setting out cars, or to receive the necessary fuel and water, and in no case to exceed ten minutes for each train, car or locomotive engine.

Any person who shall throw any stone, or other hard substance at any railroad car, train or locomotive, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not more than \$200, and shall stand committed to the county jail until such fine and costs shall be paid.

283. **Penalty.** § 15. Every engineer or conductor violating the provisions of the preceding section shall, for each offense, forfeit the sum of not less than \$10 nor more than \$100, to be recovered in an action of debt, in the name of the people of the state of Illinois, for the use of any person who may sue for the same, and the corporation on whose road the offense is committed shall be liable for the like sum.

284. **Speed Through Cities, Etc.—Damages.** § 24. Whenever any railroad corporation shall by itself or agents, run any train, locomotive engine, or car, at a greater rate of speed in or through the incorporated limits of any city, town or village, than is permitted by any ordinance of such city, town or village, such corporation shall be liable to the person aggrieved for all damages done the person or property by such train, locomotive engine or car; and the same shall be presumed to have been done by the negligence of said corporation or their agents; and in addition to such penalties may be provided by such city, town or village, the person aggrieved by the violation of any of the provisions of this section, shall have an action against such corporation, so violating any of the provisions to recover a penalty of not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200), to be recovered in any court of competent jurisdiction; said action to be an action of debt, in the name of the people of the state of Illinois, for the use of the person aggrieved; but the court or jury trying the case may reduce said penalty to any sum, not less, however, than fifty dollars (\$50), where the offense com-

mitted by such violation may appear not to be malicious or willful: PROVIDED, that no such ordinance shall limit the rate of speed, in case of passenger trains, to less than ten miles per hour, nor in any other case to less than six miles per hour.

* * * * *

285. **Flagmen—Shelter.** § 35. In all cases where the public authorities having charge of any street over which there shall be a railroad crossing, shall notify any agent of the corporation owning, using or operating such railroad, that a flagman is necessary at such crossing, it shall be the duty of such railroad company, within sixty days thereafter, to place and retain a flagman at such crossing, who shall perform the duties usually required of flagmen; and such flagman is hereby empowered to stop any and all persons from crossing a railroad track, when, in his opinion, there is danger from approaching trains or locomotive engines; and any railroad company refusing or neglecting to place flagmen, as required by this section, shall be liable to a fine of \$100 per day for every day they shall neglect or refuse to do so; and it is hereby made the duty of such public authorities having charge of such street, to enforce the payment of such fine, by suit, in the name of the town or municipal corporation wherein such crossing shall be situate, before any court of competent jurisdiction in the county, and the prosecuting attorney shall attend to the prosecution of all suits as directed by said public authorities. All the moneys collected under the provisions of this act shall be paid into the treasury of the town or municipal corporation in whose name such suits shall have been brought: PROVIDED, that when any railroad company is required to keep a flagman at a crossing, it shall have the right to erect and maintain in the highway or street crossed a suitable house for the shelter of such flagman, the same to be so located as to create the least obstruction to the use of such street or highway, and afford the best view of the railroad track in each direction from such crossing.

REAL AND PERSONAL ESTATE—CONVEYANCE OF.

Act of March 22, 1889.

286. **City Council or Board of Trustees May Pass Ordinance to Sell Real or Personal Estate no Longer Necessary.**
 § 1. That any city or village incorporated under any general or special law of this state, which shall have acquired or hold any real or personal estate for any purpose whatso-

ever, is hereby authorized and empowered by ordinance passed by three-fourths of the members of the city council of any such city, or of the board of trustees of any such village, at any regular or at any special meeting called for such purpose, to sell such property when the same shall, in the opinion of such majority of such city council or board of trustees, be no longer necessary, appropriate or required for the use of such city or village, or profitable to, or its longer retention be for the best interests of, such city or village.

287. What Ordinance Shall Specify—Notice of Sale—Opening of Bids, etc. § 2 Such ordinance shall specify the location of such real or personal estate, and the use thereof, of whatever kind the same may be, and before any sale shall be made under or by virtue of any such ordinance, by the city council of any such city, or the board of trustees of any such village, such ordinance and proposal to sell shall be published in one of its daily or weekly papers for a period of not less than sixty days, and if no paper be published in such city or village, then it shall be published in some paper of general circulation in this state nearest to such city or village. Such notice shall contain an accurate description of such property, the purpose for which it is used, and at what meeting the bids will be considered and opened, and shall advertise for sixty days for bids therefor. All such bids shall be opened only at a regular meeting of such city council or board of trustees, and shall be accepted only upon a vote of three-fourths of the members of such city council or board of trustees: PROVIDED, however, that the city council or board of trustees may, by a majority vote, reject any and all bids.

288. By Whom and When Conveyance to Be Made. § 3. Upon any bid having been accepted, and the purchase price duly paid or secured, the mayor and city clerk, or the president of the board of trustees and the clerk of such board, shall have the power to convey such real or personal estate, and transfer the same to such party or parties whose bids have been accepted, by proper deed or deeds of conveyance, stating therein the price therefor, with the seal of the corporation.

REGISTRATION OF ELECTORS.

289. An Act for the Registry of Electors and to Prevent Fraudulent Voting. Approved and in force February 15, 1865. (See Sec 135, et seq., ch. 46, R. S. 1899, p. 755.)

TO REGULATE THE MANNER OF HOLDING ELECTIONS.

290. An Act to Provide for the Printing and Distribution of Ballots at Public Expense, and for the Nomination of Candidates for Public Offices, to Regulate the Manner of Holding Elections, and to Enforce the Secrecy of the Ballot. In force July 1, 1891. (See Sec. 288, et seq., ch. 46, R. S. 1899, p. 802.

REVENUE.

An Act for the assessment of property and for the levy and collection of taxes. (Approved March 30, 1872. In force July 1, 1872.)

* * * * *

291. **Certificate of Rates.** § 122. The proper authorities of towns, townships, districts, and incorporated cities, towns and villages, collecting taxes under the provisions of this act, shall annually, on or before the second Tuesday in August, certify to the county clerk the several amounts which they severally require to be raised by taxation, anything in their respective charters, or in acts heretofore passed by the general assembly of this state, to the contrary notwithstanding: (But see Sec. 111 Supra.)

* * * * *

292. The following sections of the Revenue act, Chap. 120, are applicable to collection of taxes and special assessments, viz.: 129, 167, 169, 178, 180, 181, 182, 185, 188, 189, 190, 191, 201, 202, 203, 210, 211, 227 and 229.

SEWERAGE, RESERVOIRS, PUMPING WORKS, ETC.

293. An Act to authorize cities of 100,000 population and under to construct outlet sewers, reservoirs, pumping works and machinery, and maintain and keep in repair the same, the cost thereof to be defrayed by special assessment, or special taxation, and if the assessment is paid in installments, to issue bonds to anticipate the deferred installments. See R. S. 1899, Chap. 24, p. 383.

SIDEWALKS.

Act of April 15, 1875.

294. **Sidewalks by Taxation.** § 1. That in addition to the

mode now authorized by law, any city or incorporated town or village may, by ordinance, provide for the construction of sidewalks therein, or along or upon any street or part of street therein, and may by such ordinance, provide for the payment of the whole or any part of the cost thereof, by special taxation of the lot, lots or parcels of land touching upon the line where any such sidewalk shall be ordered, and such special taxation may be either by a levy upon any lot of the whole, or any part of the cost of making any such sidewalk in front of such lot or parcel of land, or by levying the whole or any part of the cost upon each of the lots or parcels of land touching upon the line of such sidewalk, pro rata upon each of said lots or parcels, according to their respective values—the values to be determined by the last preceding assessment thereof for the purpose of state and county taxation; or the whole or any part of the cost thereof may be levied upon such lots or parcels of land, in proportion to their frontage upon such sidewalks, or in proportion to their superficial area, as may be provided by ordinance, ordering the laying down of such sidewalk; and in case such ordinance shall only require the payment of a part of the cost of such sidewalk to be paid by a special tax as aforesaid, then the residue of such cost shall be paid out of any fund of such city, town, or village, raised by general taxation upon the property thereof, and not otherwise appropriated.

295. What Ordinance May Provide. § 2. Said ordinance shall define the location of such proposed sidewalk with reasonable certainty, shall prescribe its width, the materials of which it shall be constructed, and the manner of its construction, and may provide that the materials and construction shall be under the supervision of, and subject to, the approval of some officer or board of officers of such city, town, or village, to be designated in such ordinance. Said ordinance shall be published as required by law for other ordinances of said city, town, or village, and may require all owners of lots or parcels of land touching the line of said proposed sidewalk, to construct a sidewalk in front of their respective lots or parcels, in accordance with the specifications of said ordinance, within thirty days after such publication, and in default thereof, said materials to be furnished and sidewalk constructed by said city, town, or village, and the cost, or such part thereof as may be fixed in said ordinance, may be collected from the respective owners of said lots or parcels of land as hereinafter provided.

296. In case Owner Neglects to Construct. § 3. In case of the default of any lot owner or owners to construct the side-

walks, as required by ordinance, and the same shall be constructed by the city, town, or village, the cost thereof, or such part of the cost thereof as may have been fixed by said ordinance, may be recovered of the owners so in default by an action of debt in the name of the city, town or village, against such owners respectively, in any court of competent jurisdiction, or upon the completion of the work by such city, town or village. Such ordinance may provide that a bill of the cost of such sidewalk, showing in separate items the cost of grading, materials, laying down, and supervision, shall be filed in the office of the clerk of such city, town or village, certified to by the officer or board designated by said ordinance to take charge of the construction of said sidewalk, together with a list of the lots or parcels of land touching upon the line of said sidewalk, the names of the owners thereof, and the frontage, superficial area, or assessed value as aforesaid, according as said ordinance may provide for the levy of said costs by frontage, superficial area, or assessed value; whereupon said clerk shall proceed to prepare a special tax list against said lots or parcels, and the owners thereof, ascertaining by computation the amount of special tax to be charged against each of said lots or parcels and the owners thereof, on account of the construction of said sidewalk, according to the rule fixed for the levy of such special tax by said ordinance, which special tax list shall be filed in the office of said clerk; and said clerk shall thereupon issue warrants directed to such officer as may be designated in such ordinance, for the collection of the amount of special tax so ascertained and appearing from said special tax list to be due from the respective owners of the lots or parcels of land touching upon the line of said sidewalk; and such officer shall proceed to collect such warrants in the same manner as constables are authorized to collect executions, and make return thereof, together with the moneys collected, to the clerk of such city, town or village, within sixty days from the date of their issue; and in case any such warrant shall be returned, as to the whole or any part thereof, "no property found," other warrants may issue, and proceedings by garnishment may be resorted to, as in cases of garnishment in aid of the collection of judgments at law, and all moneys so collected and paid over to said clerk shall be, by him, immediately paid over to the treasurer of said city, town or village.

297. **Special tax—Duty of Clerk—Report.** § 4. Upon failure to collect such special tax as heretofore provided in this act, it shall be the duty of said clerk, within such time as such ordinance may provide, to make report of all such special tax, in writing, to such general officer of the county as may be

authorized by law to apply for judgment against, and sell lands for taxes due county or state, of all the lots or parcels of land upon which such special tax shall be so unpaid, with the names of the respective owners thereof, so far as the same are known to said clerk, and the amount due and unpaid upon each tract, together with a copy of the ordinance ordering the construction of said sidewalk, which report shall be accompanied by the oath of the clerk that the list is a correct return of the lots and parcels of land on which the special tax levied by authority of said city, town, or village, for the cost or partial cost (as the case may be) of the sidewalk in said ordinance specified, remains due and unpaid, and that the amounts therein stated as due and unpaid have not been collected, nor any part thereof. Said reports, when so made, shall be *prima facie* evidence that all the forms and requirements of the law in relation to making such return have been complied with, and that the special tax, as mentioned in said report, is due and unpaid.

298. General Officer to Obtain Judgment—By What Laws Governed. § 5. When said general officer shall receive the aforesaid report, he shall at once proceed to obtain judgment against said lots or parcels of land for said special tax remaining due and unpaid, in the same manner as may be provided by law for obtaining judgment against lands for taxes due and unpaid to the county and state, and shall in the same manner proceed to sell the same for the said special tax due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of the state, except when otherwise provided herein, and said general laws shall also be applicable to the execution of certificates of sale, and deeds thereon, and the force and effect of such sales and deeds; and all other laws in relation to the enforcement and collection of taxes, and redemption from tax sales, shall be applicable to proceedings to collect such special tax, except as herein otherwise provided.

299. When Constructed by Owner May Obtain Order. § 6. Whenever payment of the costs of any such sidewalk is required to be made in part by special tax, and in part out of any general fund of such city, town or village, and the owner of any such lot or parcel of land shall construct such sidewalk in accordance with the ordinance providing for its construction, such owner shall file with the clerk of such city, town or village, an itemized statement of the cost of such sidewalk so constructed, by him verified by affidavit, together with a certificate of the officer or board directed by such ordinance to superintend the construction thereof, that such sidewalk has been constructed and fully completed by such owner in accordance

with such ordinance, and the council of such city, town or village shall thereupon, at its first meeting thereafter, allow and order to be issued to such owner, an order on the treasurer of such city, town or village, for the cost of the construction of such sidewalk, less the amount of special tax chargeable to the lot or parcel of land of such owner on the line of which such sidewalk has been so constructed.

STEAM BOILER EXPLOSIONS.

Act of June 3, 1889.

300. **Persons in Charge of Steam Boilers—License—Penalty.** § 1. That the city council in cities, and the president and board of trustees in towns and villages, shall have power to adopt ordinances within their respective limits, to provide for the examination, licensing and regulation of persons having charge of steam boilers under steam pressure, exhausting through an engine, to fix the amount, terms and manner of issuing and revoking licenses to such persons; to provide that it shall not be lawful for any person to exercise, within the limits of the respective cities, towns and villages which may adopt such ordinances, the business of operating steam boilers, under steam pressure, exhausting through an engine, without a license; and to provide that any person violating the provisions of such ordinances shall be liable to a penalty for each breach thereof.

301. **Board to Examine—License, etc.** § 2. To require that all persons engaged in such occupation within the jurisdiction of such towns, cities and villages, so adopting such ordinances, shall submit to an examination by a competent board of examiners to be appointed by such councils and boards of trustees, touching their competency and qualifications in regard to such vocations, with power to such board of examiners to license such persons as may be found capable and trustworthy in that behalf.

STREET RAILROADS.

Act March 7, 1899.

302. **Eminent Domain.** § 1. That any company which has been or shall be incorporated under the general laws of this state, for the purpose of constructing, maintaining or operating any

horse, dummy or street railroad or tramway, may enter upon and appropriate any property necessary for the construction, maintenance and operation of its road, and all necessary siding, side tracks and appurtenances, and may, subject to the provisions contained in this act, locate and construct its road upon and over any street, alley, road or highway, or across or over any waters in this state, in such manner as not to unnecessarily obstruct the public use of such street, alley, road or highway, or interrupt the navigation of such waters: PROVIDED, every such street railway may be operated by animal, cable, electric or any other motive power that may have been or shall hereafter be granted to it by the proper public officers or authorities, except steam locomotive engines.

303. Compensation for Property Taken or Damaged.

§ 2. When it is necessary for the construction, maintenance or operation of such road, or the necessary sidings, side tracks or appurtenances, to take or damage private property, the same may be done, and the compensation therefor may be ascertained and made in the manner which may be then provided by law for the exercise of the right of eminent domain.

304. Location of Road—Consent—Notice—Damage. § 3.

No such company shall have the right to locate or construct its road upon or along any street or alley, or over any public ground in any incorporated city, town or village, without the consent of the corporate authorities of such city, town or village nor upon or along any road or highway, or upon any public ground without any incorporated city, town or village, except upon the consent of the county board. Such consent may be granted for any period, not longer than twenty years, on the petition of the company, upon such terms and conditions, not inconsistent with the provisions of this act, as such corporate authorities or county board, as the case may be, shall deem for the best interests of the public: PROVIDED, no such consent shall be granted unless at least ten days' public notice of the time and place of presenting such petition shall have first been given by publication in some newspaper published in the city or county where such road is to be constructed, and except upon the condition that the company will pay all damages to owners of property abutting upon the street, alley, road, highway or public ground upon or over which such road is to be constructed, which they may sustain by reason of the location or construction of the road; the same to be ascertained and paid in the manner provided by law for the exercise of the right of eminent domain.

305. Control of Streets Reserved—Police Power. § 4.

Every grant to any such company of a right to use any street, alley, road, highway or public ground shall be subject to the

right of the proper authorities to control the use, improvement and repair of such street, alley, road, highway or public ground, to the same extent as if no such grant had been made, and to make all necessary police regulations concerning the management and operation of such railroad, whether such right is reserved in the grant or not.

306. **Repeal.** § 5. That an act entitled, "An act in regard to horse and dummy railroads," approved March 19, 1874, and in force July 1, 1874; an act entitled, "An act to amend the title and Sections one (1) and three (3) of an act entitled, 'An act in regard to horse and dummy railroads,' " approved June 9, 1897, and in force July 1, 1897, and all acts or parts of acts inconsistent herewith are hereby repealed.

STREETS—VACATION OF.

Act of March 24, 1874.

307. **Three-fourths Vote Required—Damages.** § 1. That no city council of any city, or board of trustees of any village or town, whether incorporated by special act or under any general law, shall have power to vacate or close any street or alley, or any portion of the same, except upon a three-fourths majority of all the aldermen of the city or trustees of the village or town authorized by law to be elected; such vote to be taken by ayes and noes, and entered on the records of the council or board. And when property is damaged by the vacation or closing of any street or alley, the same shall be ascertained and paid as provided by law.

308. **Rights of Adjoining Owners.** § 2. When any street, alley, lane or highway, or any part thereof, has been or shall be vacated under or by virtue of any act of this state or by order of the city council of any city or trustees of any village or town, or by the commissioners of highways, county board, or other authority authorized to vacate the same, the lot or tract of land immediately adjoining on either side shall extend to the central line of such street, alley, lane or highway or part thereof so vacated, unless otherwise specially provided in the act, ordinance or order vacating the same, unless, in consequence of more of the land for such street, alley, lane or highway having been contributed from the land on one side thereof than the other, such division is inequitable, in which case the street, alley, lane or highway so vacated shall be divided according to the equities of the adjoining owners.

TAXES—REBATE AND REDUCTION.

Act of January 18, 1872.

309. **Rebate When Property Destroyed.** § 1. That whenever, in any incorporated city or town in this state, any property listed or assessed for municipal taxation, shall have been or shall hereafter be destroyed by fire, in whole or in part, before the levy of the municipal taxes of such city thereon, or before the municipal taxes levied thereon shall have been collected, it shall and may be lawful for the mayor of such city or town—if there be no mayor, then the president of the board of trustees, the city comptroller, if there should be one; and if not, then the city clerk or town clerk, and the tax commissioner, if there should be one; if not, then the chairman of the finance committee of the city council, or board of trustees—to rebate or remit so much of such tax or taxes, so levied upon such property, as in their opinion should be rebated or remitted by reason of such property having been, in whole or in part, destroyed by fire.

310. **Reduce or Release Tax or Assessment.** § 2. That whenever, in any incorporated city or town in this state, any large portion of the taxable property of such city shall have been or shall hereafter be destroyed by fire, so as to seriously impair or affect the ability of the property owners of such city or town to pay taxes or special assessments thereon, and an appropriation bill has been made or passed, or special improvements ordered before such fire, and the tax or assessment for the payment or raising of the same has not been levied or collected, it may be lawful for the city council or board of trustees of any such town to alter, revise, change, reduce or vacate, or repeal such appropriation bill, or any part of the same, and to order the discontinuance of said special improvements, or any of the same, or to reduce the amount of taxes or special assessments ordered to be levied, or assessed, or collected for any general or special purpose, and to pass a new appropriation bill; which new appropriation bill shall have the same force and effect as if the same had been passed within the time prescribed by the charter of any such city or such corporate town.

TAXES—SEWERAGE, WATER AND LIGHT.

Act June 21, 1883.

311. **Sewerage Fund Tax.** § 1. That the legislative authority of any city which now has, or may hereafter have,

established a system of sewerage for such city, shall have power annually to levy and collect a tax upon the taxable real and personal estate of such city, not to exceed one mill on the dollar, for the extension and laying of sewers therein, and the maintenance of such sewers, which tax shall be known as "The Sewerage Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: PROVIDED, however, that the board of public works of such city, if any, or the head of the sewer department, of such city, shall first certify to such legislative authority the amount that will be necessary for such purpose: PROVIDED, further, that a two-thirds majority of all the members elect of the legislative authority of such city may levy a tax for such purposes not to exceed three mills on each dollar of the taxable property of such city: And, provided, such "sewerage fund tax" shall not be included, prior to the year 1891, in the aggregate amount of taxes as limited by Section one (1) of Article eight (8) of "An act for the incorporation of cities and villages," approved April 10, 1872.

312. **Sewerage Fund and Light Tax.** § 2. The legislative authority of any city which now has, or which may hereafter have established or hired water works, for the supply of water to the inhabitants thereof, shall have power to annually levy and collect a tax upon the taxable real and personal estate of any such city, whether organized under a special charter or the general law, not to exceed one mill on the dollar, for the extension of water mains or pipes therein, and the maintenance of such water works, or to the creation of a sinking fund to be applied to the establishment of water works, which tax shall be known as the "Water Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: PROVIDED, that the board of public works of such city, if any, or the head of the water department of such city, shall first certify to such legislative authority, the amount that will be necessary for such purposes, and shall further certify that the revenue or income from such water works will be insufficient therefor: PROVIDED, further, that two-thirds majority of all the members elect of the legislative authority of such city may levy a tax for such purposes, not to exceed three mills on each dollar of the taxable property of such city: And, provided, further, that the legislative authority of each of the cities, villages and incorporated towns in this state, with the concurrence of two-thirds of the members thereof, shall be authorized to levy, and collect annually, upon the taxable property within its limits, in addition to all other taxes now authorized by law, a tax of not exceeding three mills on the

dollar of such taxable property to be used exclusively for the purpose of lighting streets, and a further tax of not exceeding two mills on the dollar of such taxable property, to be used exclusively for the purpose of supplying water to such city, village or incorporated town: PROVIDED, also, that nothing in this act shall be so construed as to increase the amount of aggregate taxes that may be levied in any one year by any city or village as provided in Section one (1) of Article eight (8) of an act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872.

313. **Repeal.** § 3. An act entitled "An act in relation to the levy and collection of taxes for sewerage and water works in the cities of this state, that may have established a system of sewerage and water works for such city," approved and in force April 22, 1871, is hereby repealed.

TAXES.

Act of April 24, 1899, authorizing levy of to pay for public buildings injured or destroyed, etc.

314. **What Cities to Have Power to Rebuild or Restore Such Building—Restoration Tax.** § 1. That the city council in any city whether organized under general law or special charter, in which the city hall, city jail or police station, fire department house or houses, or public library, or all of them, have been destroyed or seriously impaired by cyclone or tornado since Jan. 1, 1896, or shall hereafter be so seriously impaired or destroyed, shall have power, in order to rebuild or restore any such building or all of them, thus seriously impaired or destroyed, to levy an annual tax for not exceeding ten successive years of not exceeding five mills on the dollar on all the taxable property in any such city, such tax to be levied and collected in like manner with the general taxes of said city and to be known as the public building, re-building or restoration fund: PROVIDED, that said annual public building, re-building or restoration tax shall not be included in the aggregate amount of taxes as limited by Section one (1) of Article eight (8) of "An act for the incorporation of cities and villages," approved April 10, 1872, and the amendatory acts thereto, or by any provision of any special charter under which any such city in this state is now organized.

315. **How Restoration Tax to be Levied.** § 2. When any such city, as designated in Section one (1) of this act, shall decide to rebuild or restore any such building, or all of them, in

consequence of their destruction or serious impairment by cyclone or tornado it shall do so by ordinance of its city council, in which ordinance it shall be also stated the number of years, not exceeding ten, such annual public building, rebuilding or restoration tax shall be levied, and the number of mills, not exceeding five, on the dollar of said taxable property. Said tax shall be included in the annual appropriation and tax levy ordinances of any such city for the years that it can be levied under the provisions of this act: PROVIDED, that if any city has already taken steps or action to rebuild or restore any of its city buildings seriously impaired or destroyed by cyclone or tornado, as aforesaid, it shall be no bar or hindrance to its availing itself of the benefits of this act, but may modify such steps or actions to a substantial compliance with the requirements hereof.

316. Restoration Tax to be Deposited in the City Treasury—How Paid Out. § 3. All moneys received as proceeds from said public building, rebuilding or restoration fund tax shall be deposited in the city treasury of any such city to the credit of said fund, shall be kept separate and apart from other moneys of such city, and shall not be used or paid out for any other purpose whatsoever than that of paying the cost of or obligations for rebuilding or restoring public buildings seriously impaired or destroyed by cyclone or tornado in such city, as aforesaid, until all of said cost or obligations shall have been discharged: PROVIDED, that if said moneys can not be used annually to pay said costs or obligations, but shall accumulate, the city council may invest said moneys as they shall come into the treasury, in good interest-paying securities, there to remain until the same are needed for the payment of the cost of or obligations for the rebuilding or restoration of public buildings in said city under the provisions and authority of this act.

TELEGRAPH COMPANIES.

Act of March 24, 1874.

317. Consent Necessary to Erect Poles, etc., on Roads, Streets, etc.—Record—Alteration. § 4. No such company shall have the right to erect any poles, posts, piers, abutments, wires, or other fixtures of their lines along or upon any road, highway or public ground, outside of the corporate limits of a city, town or village, without the consent of the county board of the county in which such road, highway, or public ground is situated, nor upon any street, alley or other highway or public ground, within any incorporated city, town or village, without

the consent of the corporate authorities of such city, town or village. The consent herein required must be in writing, and shall be recorded in the recorder's office of the county. And such county board, or the city council, or board of trustees of such city, town or village, as the case may be, shall have power to direct any alteration in the location or erection of any such poles, posts, piers or abutments, and also in the height of the wires, having first given the company or its agent opportunity to be heard in regard to such alteration.

TERRITORY—ANNEXING AND EXCLUDING.

Act of April 10, 1872.

318. **Petition to be Annexed—Annexing.** § 1. That on petition, in writing, signed by not less than three-fourths of the legal voters, and by the owners of not less than three-fourths (in value) of the property in any territory contiguous to any city or incorporated village or town, and not embraced within its limits, the city council or board of trustees of said city, village or town (as the case may be) may, by ordinance, annex such territory to such city, village or town, upon filing a copy of such ordinance, with an accurate map of the territory annexed (duly certified by the mayor of the city or president of the board of trustees of the village or town), in the office of the recorder of deeds in the county where the annexed territory is situated, and having the same recorded therein: PROVIDED, that no portion, less than the whole of an incorporated city, town or village shall be annexed to another incorporated city, town or village except in the mode provided in this act for the annexation of the whole of an incorporated city, town or village, to another city, town or village.

319. **Annexing One Corporation to Another.** § 2. Any incorporated city, village or town may be annexed to another incorporated city, village or town, by ordinance passed by a two-thirds vote of all the aldermen or trustees elect of each corporation desiring annexation: PROVIDED, such annexation shall not affect or impair any rights or liabilities either in favor of or against such corporations; and suits founded upon such rights and liabilities may be commenced, and pending suits may be prosecuted and carried to final judgments and executions, the same as if such annexation had not taken place. In making such annexation, the corporations so uniting may, by ordinance, fix the terms of the annexation, which shall have the force and effect of a binding contract: PROVIDED, however, that no such

ordinance shall be of any binding force or effect until submitted to a vote of the legal voters of such city, town or village, at a general election thereof, and adopted by a majority of all the voters voting thereon at such election, notice of which shall be given at the same time and in the same manner as required for the election of the officers of such city, town or village: And, provided, also, that the vote shall be by ballot, which shall be "for union ordinance," or "against union ordinance," and shall be received, canvassed and returned the same as ballots for municipal officers of such city, town or village.

320. Proceedings by Corporation to Annex Territory.

§ 3. When any incorporated city, village or town shall desire to annex any contiguous territory thereto, and the same shall not have been petitioned for as provided in Section one of this article, it shall be lawful for the city council or board of trustees of such city, village or town by a two-thirds vote of all the aldermen or trustees elect, by ordinance or resolution, to authorize the mayor of such city or the president of the board of trustees of such village or town, to petition the circuit court of the county in which the territory desired to be annexed or a major part thereof is situated, praying such annexation to be made. The petition shall contain a copy of such ordinance or resolution, and an accurate map of the territory which it is desired to annex, showing all such subdivisions that shall have been made therein. Such petition shall be filed with the clerk of the court at least ten days before the first day of the term at which it is proposed to be heard: PROVIDED, that nothing in this section contained shall authorize said petition to be filed unless the territory so sought to be annexed (except territory intervening between a city and town, or two or more cities or towns, desiring to become united under this act), shall contain an actual resident population of at least one hundred and fifteen inhabitants to each section or fractional part of a section so sought to be annexed—which said fact shall be alleged in said petition, and proved on the hearing thereof, the same as any other allegation in said petition

321. Notice of Proceedings. § 4. When it shall be determined to present such petition, the mayor or president of the board of trustees (as the case may be) shall cause notice of the time and place where and when the petition will be or has been filed, and at what term of court the hearing thereof will be had, and setting forth the boundaries or a general description of the territory proposed to be annexed—to be given by publication at least once in each week, for two successive weeks, in some newspaper published in the county where the petition is filed or to be filed (or if no newspaper is published in such

county, then in the nearest newspaper published in this state), and by posting up notices at least fourteen days before such time of hearing, in at least three of the most public places in the territory proposed to be annexed, and a like number in the city, village or town to which it is desired to annex such territory.

322. Objections to Annexation—Trial. § 5. The legal voters resident upon the territory thus proposed to be annexed, or any of them, or any owner of land therein, or any voter of such city, village or town, may appear at such hearing and show cause why such annexation should not be made; and the court, or a jury impaneled for that purpose (no member of the jury so impaneled shall be a resident of the corporation or territory to be annexed, nor of the town nor towns in which said corporation or territory may be situated), shall hear all competent evidence that may be offered by either party; and the court may continue the hearing from time to time, for any cause, and make all proper orders in regard to the hearing, giving of notices and other disposition of the case.

323. Finding—Costs, etc. § 6. If, upon the hearing, the court or the jury shall find that such territory ought to be annexed to such city, village or town, and can be so done without injustice to the inhabitants or persons interested, the court shall so order. If the court or jury shall find against the petitioners, the petition shall be dismissed at the cost of the petitioners; and no subsequent petition shall be presented for the annexation of any of the territory embraced in such petition, within one year from the time of entering such order: **PROVIDED**, that new trials may be granted as in other jury cases.

324. Proceedings by Owner to be Annexed. § 7. When not less than a majority in number of the legal voters or the owner or owners of any tract or tracts of land, contiguous to any incorporated city, village or town, shall, by petition, in writing, signed by them, and filed in the circuit court of the county where such territory or a major part thereof is situated, pray to be annexed to such city, village or town, the like proceedings may be had thereon, and with the like effect, as in case of a petition by a city, village or town: **PROVIDED**, a copy of the notice required to be given shall be left with the mayor of such city, or president of such village or town, at least ten days before such petition is heard.

325. Proceedings to Disconnect. § 8. Whenever a majority of the legal voters of any territory within any city, town or village, and being upon the border and within the boundary thereof, shall petition the circuit court of the county in which

such city, town or village is situated, praying to be disconnected therefrom, such petition shall be filed with the clerk of the court at least ten days before the first day of the term at which it is proposed to be heard, and like proceedings shall be had as is required by Sections four, five and six of the act for the annexation of territory to such city, town or village: PROVIDED, that the provisions of this section shall only apply to lands not laid out into city or town lots or blocks.

326 Map and Ordinance Recorded. § 9. When any territory is annexed to any city, village or town, as provided in this act, it shall be the duty of the mayor of the city, or the president of the board of trustees of the village or town (as the case may be) to cause an accurate map of such added territory, together with the ordinance for the annexation, certified by such mayor, and if a decree or order of the court has been made therefor, a copy of the same, to be filed for record and recorded in the recorder's office for the county in which such added territory is situated. If territory is disconnected or excluded from any city, village or town, a copy of the ordinance or decree therefor shall be so filed for record and recorded.

327. School Districts. § 10. All school districts, and other corporations incorporated for school purposes, under special acts of the legislature, desiring to annex or disannex territory, may proceed under the provision of this act.

328. Judicial Notice. § 11. All courts in this state shall take judicial notice of cities, towns and villages, and of the changes of their territory, made under the provisions of this act.

TERRITORY--DISCONNECTING.

Act of May 27, 1879.

329. Disconnecting Territory. § 1. That whenever the owners representing a majority of the area of land of any territory within any city or village, and being upon the border and within the boundary thereof, and not laid out into city or village lots or blocks, shall petition the city council of such city, or the trustees of such village, praying the disconnection of such territory therefrom; such petition shall be filed with the city clerk of such city, or the president of the trustees of such village, accompanied with a certificate of the county clerk, showing that all city taxes or assessments due up to the time of presenting such petition are fully paid, at least ten days before the meeting of such city council, or trustees, at which it is proposed to

present such petition, and the city clerk of such city, or president of the trustees of such village, shall present such petition to the city council or trustees, as the case may be, and upon such presentation, the city council of such city, or trustees of such village, may, by ordinance, to be passed by a majority of the members elected to such city council or board of village trustees, disconnect the territory described in such petition from such city or village: PROVIDED, however, that the territory so disconnected, shall not thereby be exempted from taxation, for the purpose of paying any indebtedness contracted by the corporate authorities of such city or village, while such territory was within the limits thereof, and remaining unpaid, but the same shall be assessed and taxed for the purpose of paying such indebtedness, the same as if such territory had not been disconnected, until such indebtedness is fully paid.

330. Ordinance Recorded. § 2. A copy of the ordinance disconnecting territory from any city or village, certified by the clerk of such city, or president of the trustees of such village, shall be filed for record, and recorded in the recorder's office of the county in which such disconnected territory is situated, and another copy of such ordinance, so certified, shall be filed with the clerk of the county court of the county in which such disconnected territory is situated.

331. Judicial Notice. § 3. All courts in this state shall take judicial notice of cities and villages, and of the changes made in their territory, under this act.

WARRANTS DRAWN UPON TREASURER.

. Act of May 31, 1879.

332. When Warrants May be Drawn. § 1. That warrants payable on demand, shall hereafter be drawn and issued upon the treasurer of this state or of any county, township, city, school district or other municipal corporation, or against any funds in his hands, only when at the time of the drawing and issuing of such warrants, there shall be sufficient money in the appropriate fund in the treasury to pay said warrants.

333. Issued in Anticipation of Taxes. § 2. That whenever there is no money in the treasury of any county, township, city, school district or other municipal corporation to meet and defray the ordinary and necessary expenses thereof, it shall be lawful for the proper authorities of any county, township, city, school district, or other municipal corporation, to provide that warrants may be drawn and issued, against and in anticipation

of the collection of any taxes, already levied by said authorities for the payment of the ordinary and necessary expenses of any such municipal corporation to the extent of seventy-five per centum of the total amount of any said tax levy: PROVIDED, that warrants drawn and issued under the provisions of this section, shall show upon their face that they are payable solely from said taxes when collected, and not otherwise, and shall be received by any collector of taxes in payment of the taxes against which they are issued, and which taxes, against which said warrants are drawn shall be set apart and held for their payment.

WARRANTS OF MUNICIPAL CORPORATION—INTEREST ON.

Act of June 15, 1895.

334. Interest on Warrants of Municipal Corporations.

§ 1. That whenever any warrants shall hereafter be lawfully drawn by the proper officers of any city, village or town for the payment of money out of any particular fund in anticipation of the collection of a tax heretofore levied for such fund, such warrants shall, unless paid within thirty days after their issuance, bear interest, payable out of such fund and tax levy, at the rate of five per centum per annum from their respective dates until paid, or until notice shall be given by publication in a newspaper or otherwise, to their holders, that the money for their payment is available and that they will be paid on presentation.

WATER WORKS.

Act of April 15, 1873.

335. Power to Supply Water—Letting Contract—Emergency. § 1. That all cities, incorporated towns and villages in this state, be and are hereby authorized and shall have power to provide for a supply of water for the purposes of fire protection, and for the use of the inhabitants of such cities, incorporated towns or villages by the erection, construction and maintaining of a system of water works or by uniting with any adjacent city, incorporated town or village, in the erection, construction and maintaining of a system of water works for the joint use of such cities, incorporated towns or villages, or by procuring such supply of water from an adjacent city, incor-

porated town or village already having water works: PROVIDED, that all contracts for the erection, or construction of such works or any part thereof, shall be let to the lowest responsible bidder therefor, upon not less than three (3) weeks public notice of the terms and conditions upon which is to be let having been given by publication in a newspaper published in such city, town or village, or if no newspaper is published therein, then in some newspaper published in the county. And, provided, further, that no member of the city council or board of trustees, or mayor shall be directly or indirectly interested in any such contract, and in all cases the council or board of trustees as the case may be, shall have the right to reject any and all bids that may not be satisfactory to them.

WHEREAS, An emergency exists, therefore this act shall be in force from and after its passage.

336. **Borrowed Money-Tax.** § 2. Such cities, incorporated towns and villages may borrow money and levy and collect a general tax in the same manner as other municipal taxes may be levied and collected for the erection, construction and maintaining of such water works, and appropriate money for the same.

337. **May Acquire Property for Works, etc.** § 3. For the purpose of erecting, constructing, locating, maintaining or supplying such water works, any such city, incorporated town or village may go beyond its territorial limits, and may take, hold and acquire property and real estate, by purchase or otherwise; and shall also have the power to take, hold and acquire and condemn any and all necessary property and real estate for the location, erection, construction and maintaining of such water works in the manner provided for the taking and condemning of private property for public use; and may also acquire and hold real estate and other property and rights necessary for the location, erection, construction and maintenance of such water works, by purchase or otherwise; and the jurisdiction of such city, town or village to prevent or punish any pollution or injury to the stream or source of water for the supply of such water works, shall extend ten miles beyond its corporate limits.

338. **Rules—Tax—Assessment—Lien.** § 4. The common council of such cities or trustees of such towns or villages, shall have power to make and enforce all needful rules and regulations in the erection, construction and management of such water works, and for the use of water supplied by the same. And such cities, towns and villages shall have the right and power to tax, assess and collect from the inhabitants thereof

such tax, rent or rates for the use and benefit of water used or supplied to them by such water works, as the common council or board of trustees as the case may be, shall deem just and expedient. And all such water taxes, rates or rents shall be a lien upon the premises and real estate upon or for which the same is used or supplied. And such taxes, rents or rates shall be paid and collected, and such lien enforced, in such manner as the common council shall, by ordinance, direct and provide. See Section 171.

339. **Special Assessment.** § 5. The expense of locating, erecting and constructing reservoirs and hydrants for the purpose of fire protection, and the expense of constructing and laying water main pipes, or such part thereof as may be just and lawful, may be assessed upon and collected from the property and real estate specially benefited thereby, if any, in such manner as may be provided for the making of special assessments for other public improvements in such cities, towns or villages.

340. **Separate Fund.** § 6. All the income received by such cities, towns or villages from such water works, from the payment and collection of water taxes, rents or rates shall be kept in a separate fund, and shall first be applied in the payment and discharge of the costs, interests on bonds or money borrowed and used in the erection and construction of such water works and running expenses thereof. And any surplus may be applied in such manner as the common council or board of trustees may direct.

241. **When Act Not Apply.** § 7. The provisions of this act shall not apply to cities, towns or villages in which water works are now managed or controlled by a board of public works.

WATER WORKS.

Act of April 22, 1899.

342. **May Acquire Water Works—Payment for Such Building or Purchase.** § 1. Every city, incorporated town and village in this state, is hereby authorized to acquire water works for supplying water for public use, and for domestic use of its inhabitants by building or purchasing a water works system or enlarging or extending an existing system. In payment for such building, purchase or enlargement any such municipality may issue certificates of indebtedness limited in their payment solely to the water fund hereinafter provided for; such certificates may bear interest at a rate of not exceed-

ing six per centum per annum, payable semi-annually, and shall only be issued at not less than par value in payment for the building purchase or extension of a water works system.

343. Ordinance—Publication of—Petition—Submission to Vote. § 2. Any such municipality desiring to avail itself of the provisions of this act shall first pass an ordinance, fixing in a general way the capacity of the water works system it is proposed to acquire, and referring to the plans and specifications therefor, which shall be open to the inspection of the public; which said ordinance shall fix the rates at which water is to be supplied for all private purposes, and said rates, so fixed, shall not thereafter be reduced until the certificates issued for acquiring or enlarging the water works, and the interest thereon, are fully paid. Which said ordinance shall be published in a newspaper published in such municipality, at least once in each week for three successive weeks. And if no petition shall be filed with the clerk of such municipality as hereinafter provided, within twenty one days after the first publication of said ordinance, then the corporate authorities may proceed to carry out the provisions of the ordinance. But if within said period of twenty-one days there shall be filed with the clerk of such municipality a petition, signed by twenty per cent. of the number of voters voting for presiding officer of the legislative body of such municipality at the next preceding general city, town or village election, asking that the question of acquiring or enlarging a water works system be submitted to a vote. It shall then be the duty of the legislative body of such municipality to call a special election in the manner provided by law, to vote upon such question, and if it appear that a majority of the voters voting upon such question at such election vote in favor of acquiring or enlarging the water works, then said ordinance shall be in full force and effect, and the corporate authorities may proceed to carry out the provisions thereof, but if a majority of the votes cast are against such acquiring or enlarging, then said city, incorporated town or village shall proceed no further for the period of six months next ensuing.

344. Water Fund—Certificates—Payment of. § 3. Whenever any such municipality shall avail itself of the provisions of this act, the entire proceeds arising from the operation of the water works system thereof shall be paid into a fund known as the "water fund" and which fund shall be and remain inviolate until the certificates issued under the terms hereof and the interest thereon is fully paid, and the treasurer of such municipality shall not pay any warrants drawn on said fund unless the same be drawn in payment of the necessary operat-

ing expenses of such water works system, or in payment of the certificates issued hereunder or the interest thereon.

345. May Mortgage Water Works System. § 4. In order to secure in the most ample manner the payment of the water certificates, authorized as aforesaid, any such municipality may convey by way of mortgage or deed of trust the water works system so acquired or enlarged which said mortgage or deed of trust shall be acknowledged and recorded in the same manner as mortgages of real property, and which mortgage or deed of trust may contain such provisions and conditions as are reasonably necessary to fully secure the payment of said water certificates.

346. Foreclosure of Certificates. § 5. Whenever, and as often as default shall be made in the payment of water certificates, issued as aforesaid, and such default shall continue for the space of ninety days, it shall be lawful for said mortgagee or trustee to declare the whole of the principal and interest of such certificates at once due and payable, and proceed to foreclose the same in any court of competent jurisdiction, and in any decree to be rendered in such suit of foreclosure there shall be included a reasonable solicitor's fee for the complainant's solicitor, and such decree shall fix reasonable rates for water furnished from said water works system for public uses during the time that such municipality shall be deprived of the possession thereof, as hereinafter provided, and upon any sale under such decree of foreclosure the person or corporation offering to satisfy said decree for the rents, incomes and profits of said water works system for the least number of years, not exceeding fifty, shall become the purchaser thereof, and on satisfying said decree shall be let into the use, occupation and enjoyment of said water works system during the period of time for which the same were sold, and during such period such purchaser or assigns shall be entitled to receive and collect for water furnished for private uses the rates prescribed in the ordinance provided for in Section 2 of this act, and shall be entitled to receive and collect the reasonable rates fixed for the public uses of water in such decree. At the end of said period said purchasers or assigns shall deliver said water works system to such municipality in as good condition as when the same was received, ordinary wear and tear excepted.

347. Rights of Purchaser at Foreclosure Sale, § 6. During the period of time when the purchaser at such foreclosure sale shall be entitled to the use and enjoyment of said water works system, it shall not be competent for such municipality to construct or authorize any other person or corporation

to construct a competing system of water works, nor shall it be competent for the purchaser at such foreclosure sale, or assigns, to extend the water works system so purchased, except upon such terms as such municipality may authorize.

348. How Act Construed. § 7 This shall be deemed and construed to confer powers in addition to but not limiting those now existing.

WATER WORKS—TO BUY OR CONSTRUCT AND MANAGE.

Act of April 19, 1899.

349. Power to Levy a Direct Annual Tax of Not More Than One Per Cent. § 1. That cities and villages shall have the power to levy, in addition to the taxes now authorized by law, a direct annual tax of not more than one cent on the dollar upon all the property within the corporate limits of the city or village, said tax to be payable yearly for a period of not more than thirty years; the proceeds of said tax to be used solely for the purchase or construction of water works.

350. Contract for Purchase or Erection of Water Works—Direct Annual Tax. § 2. Whenever any city or village desires to avail itself of the provisions of this act, the city council or the board of trustees, as the case may be, may, by ordinance or resolution, contract for the purchase or erection of water works for a provisionally certain fixed sum, or may so contract for purchase and extension if the plant proposed to be purchased shall be inadequate, and such contract for erection or purchase, together with a report from the city or village engineer recommending the same, shall be published at least once a week for three consecutive weeks in a daily or weekly newspaper published in said city or village, and shall at the same time provide by resolution or ordinance for the levying of a direct annual tax as authorized in Section 1 of this act, the total of which said tax for the term levied, together with the annual revenue which is estimated to be derived from the works, shall be sufficient to pay the contract price for the works, together with interest on same; but such contract for purchase or erection, and such tax, shall not be valid or binding until confirmed by vote, as follows:

351. Such Contract and Tax after Action by the Council to be Submitted to Voters—Manner of Submission. § 3. Such contract and tax, after action by the council or trustees as aforesaid, shall, before they shall be valid and binding, be

submitted for ratification to the voters of the city or village at a regular or special election by giving notice of same, which notice shall specify the character of the said works proposed to be erected or purchased and the amount of tax to be levied, and said notice shall be posted in ten public places within such city or village at least three weeks prior to said election, and also by publication three times in a daily or weekly newspaper published in said city or village, and for three weeks preceding such election there shall be on file in some public place, convenient of access, a full description of works, copy of contract and report of engineer, for the inspection of the voters, and notice of where said plans and specifications are on file shall be included in the notice of election. If three fourths of all the voters voting on said proposition shall vote in favor of said contract and tax, the same shall be binding and the tax duly levied. The ballots at such election shall read:

"Proposition to construct or purchase (or both) water works and levy a tax of ---- annually for ---- years.	Yes	No

352. Power of City Council and Board of Trustees Under This Act. § 4. The city council in cities and the board of trustees in villages shall have the power to carry into execution the contract for the erection or purchase of water works when ratified by the voters, as directed in Section 3, and employ a superintendent and such other employes as may be necessary and proper for the operation of such works for the collection of water rentals and for the conduct of the business necessary to the operation thereof.

353. Power to Issue Bonds Against Taxes Levied. § 5. The city council in cities and the board of trustees in villages shall have the power to issue bonds against the taxes levied, the same to be payable only out of said special tax when collected and out of the net revenue derived from the operation of said works.

354. Bonds—When to Mature—Interest. § 6. The said bonds shall be made to mature in as nearly as possible equal installments of one hundred dollars, or multiples thereof, the first installment to be payable one or two years from date, the last installment within one year after date of the last tax levy provided in the vote authorizing said levy. The bonds shall bear interest at a rate not to exceed six per cent., payable annually or semi-annually, shall be sold for not less than par, or

may be paid out at not less than par for the construction or purchase of said works.

355. Form of Bonds. § 7. Said bonds shall be substantially in the following form:

The City or Village of _____, County of _____, State of Illinois, for value received hereby promises to pay to bearer _____ hundred dollars, lawful money of the United States of America, on the ____ day of _____ A. D. _____, together with interest thereon at the rate of ____ per centum per annum, payable annually on the ____ day of _____ A. D. _____. Both principal and interest payable at the _____.

This bond is one of a series of bonds amounting to _____ dollars, issued by ordinance of the City (or Village) of _____, and is payable solely out of funds derived from special tax levy and net revenue of the water works of the City (or Village) of _____; the erection or purchase of said works and levy of said tax having been authorized at an election legally called and held on the _____ day of _____, A. D. _____; and out of no other funds. And it is hereby recited that all acts, conditions and things precedent to and in the issuance of this bond have been properly done, happened and performed in regular and due form as required by law.

In testimony whereof the City Council (or Board of Trustees) has caused this bond to be signed by the Mayor (or President) and countersigned by the Clerk, and caused the seal of the City or Village to be affixed this _____ day of _____, A. D. _____.

_____, Mayor.

_____, Clerk.

Coupons representing the interest shall be attached thereto, which may be signed or bear the lithographed signature of the clerk of said city or village.

356. Fixing Water Rentals or Rates. § 8. The board of trustees or city council shall from time to time fix the water rentals or rates to be charged for the furnishing of water, and such shall be made sufficient, together with the proceeds of the special tax provided by the act to pay at maturity the interest and principal of bonds issued under the provisions of the act, and also for the proper maintenance and operation of such works, the proper and necessary extension thereof, and for all repairs thereon.

357. Water District Created by Two or More Villages, etc.—How Governed. § 9 Any two or more villages or cities adjacent to each other may elect by ordinance to create a water district, said district to be governed by a board of trustees composed of the joint city councils or village boards of each and every such city and village, which said board of trustees shall have the power given to city councils or boards of trustees in this act, and said water districts shall be a body corporate to carry out the provisions of the act, but notice of any election

held by such water district under this act shall be given in each and every city and village combining into the district and if the election shall not carry by three-fourths of all voters voting in each city or village in said district, then the proposed contract and tax shall be considered to have failed of ratification and to be void.

358. **This Act Confers Additional Powers on City Councils, etc.** § 1. This act shall be considered as conferring additional power on city councils and boards of trustees, and as in addition to and not limiting powers now given cities and villages, city councils and boards of trustees by law.

CITY ORDINANCES.

An Ordinance for Revising and Consolidating the Several Ordinances of the City of Monmouth.

Be it Ordained by the City Council of the City of Monmouth:

CHAPTER I.

MUNICIPAL AND FISCAL YEAR AND SEAL.

359. The municipal year of the city shall commence on the first Monday of May in each year.

360. The fiscal year of the city shall commence on the first Monday of May in each year.

361. The seal heretofore provided and used by and for the city of Monmouth, the impression on which is circular in form with a representation of an eagle in the center, with the inscription "City of Monmouth, Illinois," on the outer circle, and the words "Warren County" on the center of said circle, shall be, and is hereby established and declared to have been, and now to be, the seal of the city of Monmouth.

CHAPTER II.

WARDS.

362. The city is hereby declared to be divided into five wards as follows, to-wit:

First Ward. The boundaries and limits of the first ward shall be as follows: Boston avenue on the north, Sixth street on the east, Fifth avenue on the south, and B street on the west, and all that portion of the city lying within said boundaries shall constitute the first ward.

363. **Second Ward.** The boundaries and limits of the second ward shall be as follows: Commencing at the northeast corner of the city limits, running thence south to Second

avenue, thence west to Sixth street, thence north to Boston avenue, as extended through block twenty-four (24) Quinby and Lawrence's addition; thence west along Boston avenue to First street, thence north to the city limits, thence east to the place of beginning; and all that portion of the city lying within said boundaries, shall constitute the second ward.

364. **Third Ward.** The boundaries and limits of the third ward shall be as follows: Commencing at the northwest corner of the city limits, running thence east to First street, thence south to Boston avenue, thence west to B street, thence south to Second avenue, thence west to the city limits, thence north to the place of beginning; and all that portion of the city lying within said boundaries shall constitute the third ward.

365. **Fourth Ward.** The boundaries and limits of the fourth ward shall be as follows: Commencing at the southwest corner of the city limits, running thence north to a point on a line with Second avenue, thence east to B street, thence south to Fifth avenue, thence east to First street, thence south to the city limits, thence west to the place of beginning; and all that portion of the city lying within said boundaries, shall constitute the fourth ward.

366. **Fifth Ward.** The boundaries and limits of the fifth ward shall be as follows: Commencing at the southeast corner of the city limits, running thence north to second avenue, thence west to Sixth street, thence south to Fifth avenue, thence west to First street, thence south to the city limits, thence east to the place of beginning; and all that portion of the city lying within said boundaries shall constitute the fifth ward.

CHAPTER III.

CITY OFFICERS.

367. The officers of the city of Monmouth shall be a mayor, city council, city clerk, city collector, city attorney, city treasurer, police magistrate, city engineer, city superintendent of streets, city superintendent of water works, city marshal, sergeant of police, policemen, city fire marshal, one first and one second assistant fire marshal, inspector of mineral oils, inspector of weights and measures, weighmaster, sexton, health officer and scavenger, of which the mayor, city council, police magistrate, clerk, attorney and treasurer shall be elective, and all other officers appointive.

368. The mayor, city council, clerk, attorney, police mag-

istrate and treasurer, shall hold their respective offices for such time as is prescribed by law, and all other officers named in the previous section shall be appointed on the first Monday of May in each year at or after the expiration of their present terms of office, or as soon thereafter as practicable, and shall hold office for one year and until their successors are appointed and qualified.

369. All official bonds except when otherwise provided, by law or ordinance, shall be submitted to the city council for their approval, which approval when given shall be certified thereon by the clerk and said bonds shall be filed by the clerk, except the bond of the clerk which shall be filed with the treasurer.

The city council may at any time require a new bond to be executed by any city officer, if from any cause they shall deem the old bond or sureties insufficient, but the execution of such new bond shall not in any manner affect the liability, loss or damage incurred under the old bond, or release the sureties from any liability incurred thereon.

Any person having been an officer of the city of Monmouth, shall, within five days after notification and request, deliver to his successor in office, all property, books, papers, plats, maps, records and effects of every description in his possession belonging to said city, or appertaining to his said office, and upon his refusal to do so, he shall be liable for all the damages caused thereby, and in addition thereto a penalty of not less than twenty-five dollars or more than two hundred dollars, in the discretion of the court, upon conviction.

All city officers elected or appointed (except the clerk, police magistrate, aldermen and mayor) shall be commissioned by warrant, under the corporate seal, signed by the clerk and the mayor, or presiding officer of the city council, and the mayor or presiding officer of the city council shall issue a certificate of election, under the seal of the corporation to the clerk thereof.

370. City officer's commissions shall be substantially as follows:

STATE OF ILLINOIS,	}	ss. Warrant and Commission.
Warren County.		
City of Monmouth.		

To all whom these Presents shall come, Greeting:

Know ye, that A. B. having been on the.....day of.....
 19.....duly elected (or appointed) to the office of.....in
 and for the said city of Monmouth, and having taken the oath of office
 and given bonds as required, he is hereby commissioned to act in and
 exercise the authority of said office until the.....day of.....

19-----, and until his successor shall be elected (or appointed) and qualified.

In witness whereof this warrant is signed by the clerk and mayor of said city and the corporate seal thereof is hereunto affixed this ----- day of ----- A. D. 19-----

[Seal.]

By the Mayor,

Mayor.

City Clerk.

371. All officers collecting or receiving any moneys on account of the city, shall pay the same as fast as collected into the city treasury, and shall, at the first regular meeting of the city council in each month, report to the council an accurate statement of all moneys received by them during the preceding month, specifying the amount, from whom, and on what account received. No officer shall retain any moneys collected or received by him, toward the payment of any salaries or fees which may be coming to him from the city, but shall pay the same into the treasury. Any officer violating any provision of this section shall be subject to a penalty of not less than ten dollars, and shall also be subject to removal from office.

372. Whenever any city officer shall neglect or refuse to pay over any moneys, or to make proper settlement of his accounts, or of any claim of the city placed in his hands for collection as required by ordinance, or whenever upon the adjustment of the account of any city officer, any moneys shall be found due by him to the city, and the same shall not be paid immediately into the city treasury, and the treasurer's receipt therefor filed with the city clerk, the city clerk shall forthwith report such officer, with an abstract of his account, to the city council.

373. Notice thereof shall be given to such officer, and to his sureties, by the mayor, and unless such account be rendered and the amount due paid within ten days after such notice, suit shall be brought on his official bond for the amount with which he stands charged, or such other measures taken as will secure the city from loss. An abstract of the account of such officer, certified to by the city clerk, under the corporate seal, shall be delivered to the city attorney.

374. The salaries of all city officers, unless where otherwise specially provided, shall be paid in monthly installments; and they may present their accounts to the city council for adjustment. But no warrants shall be drawn in favor of any officer for the payment of his salary until he shall have filed his report as is herein required; nor shall any warrant, in any case,

be drawn in favor of any officer who shall be in default or arrears to the city.

375. The records, books and papers pertaining to any city officer, shall, at all reasonable times, be subject to the inspection and examination of the mayor the city council, or any of its committees, or any person interested in the same; and all city officers shall, when requested, give all the information in their power pertaining to their respective offices, to the city council or any of its committees, the mayor, or any other department of the city government.

376. The committee on finance of the city council shall prescribe the manner in which the books and accounts of all city officers shall be kept, in order to establish uniformity therein. They shall, at least quarterly, examine the books, accounts and papers of all city officers, and see that they are properly, regularly and neatly kept and preserved, and that the books, accounts and papers belonging to the offices of the clerk, treasurer and collector, are secured from loss or accident by fire; and they shall report to the city council any neglect or refusal on the part of any city officer to keep his books or accounts properly, or to preserve any papers pertaining to his office.

377. Whenever the city clerk, collector, superintendent of streets, superintendent of water works, sexton or any police officer or custodian of fire apparatus shall desire to be temporarily absent, he shall apply to the city council, if in session, or if not, to the mayor, for leave of absence; which may be granted for any time not exceeding one month.

378. All officers shall be liable to the city for all loss or damage that may arise from their omission of duty, corruption in office, or willful misconduct in the discharge of any official duty; and the city council may, in their discretion, by order, withhold the salary of any officer in order to secure the city from loss. And if any officer shall fail, neglect, or refuse to discharge or perform any duty required of him, the city council may employ or appoint some competent person to perform such duty, and the cost and expense of doing the same shall be charged to such officer and deducted from his salary; or, if his salary shall be insufficient to pay the same, they may be recovered by suit in the name of the city before any court having jurisdiction.

379. Every city officer not required by the general incorporation act so to do, shall annually at the close of the fiscal year, report to the city council a complete statement of the transactions of his office for the preceding year.

380. The committee on finance shall make settlement with all city officers at the expiration of their terms of office, and report the same to the city council. If they shall be unable to make settlement with any officer they shall state the fact, and the causes which prevent such settlement.

381. Any city officer who shall give any false or fraudulent certificate of any matter or thing to the prejudice of the city, or contrary to the truth and to the duty of such officer in that behalf, shall on conviction be subject to a penalty of not less than ten dollars.

382. Any city officer, upon whom the duty devolves, is hereby authorized to demand and receive as fees for the use of the city (except where provisions is herein made to the contrary):

Administering oath and attesting the same, 25 cents.

For certified copies of any record, each one hundred words, 25 cents.

For each building permit, \$1.00.

For all other written permits, 50 cents.

For making deeds, \$1.00.

CHAPTER IV.

THE MAYOR AND HIS DUTIES.

383. The mayor shall sign all commissions, licenses and permits granted by authority of the city council, except as otherwise provided, and such other acts and deeds as by law or ordinance may require his official signature.

384. The mayor shall grant all licenses authorized by this ordinance, the granting of which is not otherwise provided for herein, to such persons as he may deem proper, according to the ordinances of the city unless the city council shall otherwise designate, and may revoke the same in accordance with the provisions herein.

385. The mayor shall supervise the conduct of all officers of the city; examine the grounds of all reasonable complaints made against any of them, and cause all their violations of duty and other neglects to be promptly punished or reported to the proper tribunal for correction.

386. The mayor shall appoint by and with the advice and consent of the city council all officers whose appointment is not by law or ordinance otherwise provided for; and whenever a vacancy shall happen in any office, which by law he is empow-

ered to fill, he shall within thirty days after the happening of such vacancy, communicate to said council the name of his appointee to such office, and pending the concurrence of the city council in such appointment the mayor may appoint some suitable person to discharge the duties of such office.

387. Whenever under any law or any ordinance of the city any notice or demand is or may be required to be given or made or any act or thing required to be done by or on behalf of the city and no other provision therefor is made, the mayor of the city may and is hereby authorized to give such notice or make such demand or do such act or thing for and on behalf of the city.

388. The mayor may whenever he shall deem it necessary issue his proclamation for the apprehension of any person who may have committed a crime within the City of Monmouth, and may in such proclamation, offer a reward not exceeding three hundred dollars, to be paid out of the city treasury, upon the certificate of the mayor that the service required has been performed.

389. In addition to the above and foregoing, and to the duties imposed upon him by law, the mayor shall perform all such other duties, pertaining to his office, as are or may be required of him by the ordinances of said city.

CHAPTER V.

THE CITY COUNCIL.

390. The regular meetings of the city council of the City of Monmouth shall be held in the council chamber, at the city hall, on the first and third Mondays in each and every month, except when said first or third Monday may happen to be a public holiday, in which case the council shall meet on the next day following; and adjourned meetings may be held for the purpose of completing the unfinished business of the regular meetings at such time or times as may be determined by the council. The hour of meeting, either general or special, shall be as follows: From the first of May to the 30th of September at 8 o'clock p. m., and from the first day of October to the 30th of April at 7:30 p. m., unless otherwise ordered.

391. The standing committees of the city council shall be annually appointed by the mayor, and he shall be authorized to fill vacancies occurring in and to said committees. The standing committees shall be as follows: Auditing, Cemetery,

Finance, Fire, Gas and Electric Light, Ordinances and Printing, Police, Public Buildings and Grounds and Miscellaneous, Sewerage, Streets Alleys and Parks, Water Works.

392. Every committee of the city council, in reporting upon a subject referred to them, must attach to their report all resolutions petitions, remonstrances and other papers in their possession relative to the matters referred.

393. Special meetings of the city council may be called by the mayor or any three aldermen, by notification in writing by the city clerk to each member of the council, served personally or left at his usual place of abode, stating the object and purpose of such meeting, but no business shall be transacted at any special meeting except such as the meeting was called for and notification given thereof.

394. A majority of aldermen elect shall constitute a quorum to do business, but a smaller number may adjourn from time to time and compel absentees to attend any regular or special meeting, by a written citation to that effect, stating the day and hour of such meeting; such citation shall be signed by the mayor or aldermen issuing the same, and may be served by the city marshal, or any officer authorized to serve processes in said city by reading the same to such absentee.

395. Any aldermen willfully refusing to obey such citation, shall forfeit twenty (\$20) dollars, to be deducted out of his salary, or collected by suit in the same manner as other penalties provided in this ordinance, and upon the repeated refusal to obey such citation, such alderman may be expelled, and his office declared vacant.

396. The finance committee shall meet annually, before April 15th of each year, and examine and compare the reports and statements made by the city treasurer, or other city officers, and shall report thereon to the city council.

397. All claims against the city for money due shall be subject to set-off by any claims the city may have against the claimant.

CHAPTER VI.

CITY ATTORNEY.

398. The city attorney shall be the legal adviser of the city, and shall, when required by the city council, give his opinion in writing upon all questions of law arising under the

statutes of the state or ordinances of the city, or upon any questions submitted to him by the mayor or the city council, or by any officer of the city. He shall also prepare proper drafts for contracts, forms, ordinances and other writing which may be required for the use of the city.

399. He shall superintend and conduct all the law business of the city, and is charged with the prosecution of all suits for the violation of the ordinances of the city, and with the conducting of all proceedings before justices, or upon appeals to the county court or circuit court.

400. He shall keep in proper books to be provided for that purpose, a register of all actions in courts of record, prosecuted or defended, in which the city may be a party, and all proceedings had therein.

401. He shall take appeals in all such cases as he shall deem the interest of the city requires, and prosecute and defend the same in the county, circuit, appellate and supreme courts; and he shall do and perform all other duties incident to his profession, and that may be ordered by ordinance or resolution of the city council.

402. He shall draw such ordinances as may be required of him by the city council, or by any committee thereof, and all leases, deeds and other papers connected with the finance department, and all contracts for any of the other departments of the corporation when so required by the head of the department.

403. In case of the temporary absence or inability of the city attorney to attend to the duties of his office, he may, with the approval of the mayor, appoint or employ some competent attorney to act in his place.

CHAPTER VII.

THE CITY CLERK.

404. The city clerk shall in addition to the duties of his office as prescribed by law, provide a sufficient number of ballots, ballot boxes, cards of instructions and other blanks and forms for the use of the judges and clerks of election, which shall conform in all respects to the requirements of the law upon that subject.

405. He shall provide and furnish on request without charge to any person required by law or ordinance to keep

books or make reports to the city, all such books and all blanks necessary to make such reports.

406. He shall attest all licenses granted by the mayor and city council, and shall keep a registry of the same, showing the date of issue, time of expiration, business licensed and amount paid.

407. He shall issue notices of special meetings to members of the city council when directed by the mayor or any three aldermen so to do, and all other notices which he may be directed by the city council to issue; he shall also issue notices to the members of the different committees of the city council, and to all persons whose attendance may be required before any such committee when thereto directed by the chairman thereof, or whose attendance may be required before the city council when so directed by the mayor.

408. He shall upon the allowance of any account or claim by the city council, draw a warrant therefor upon the city treasury payable to the order of the claimant, which warrant shall state therein the particular fund or appropriation to which the same is chargeable, and which when signed by the mayor and countersigned by the city clerk, shall, if the particular fund be not overdrawn, be paid by the city treasurer. He shall keep in a suitable book an accurate list of all warrants drawn on the treasury, stating the date, number and amount thereof, the name of the person in whose favor drawn and the particular fund or appropriation upon which drawn.

409. He shall keep all accounts pertaining to the finances of the city. He shall keep an accurate account with all city officers and others collecting or receiving any moneys, property or claims on account of the city charging them with all moneys or property received by them, or claims placed in their hands for collection, and crediting them with all moneys paid into the treasury, upon their filing the treasurer's receipt, or with claims or accounts uncollectable, or other proper credits, upon filing the proper vouchers. The treasurer shall be credited with all warrants canceled and returned.

410. He shall keep a detailed and specific account of the city revenue, keeping account with each separate fund, crediting the same with all receipts, and charging it with all appropriations or warrants drawn thereon. He shall charge each warrant to the fund or appropriation on which it is drawn. He shall keep an accurate accounts of all debts due by or owing to the city, and shall turn over to the city collector for collection all claims due the city coming to his hands and not otherwise provided for, and shall keep a bill book in which he shall enter

a correct list of all bonds, notes or other obligations given by or payable to the city with the date thereof, the person to whom or by whom owing or payable, and the rate of interest, and the time and manner in which the principal and interest are payable and such other particulars as may be necessary to a full understanding thereof.

411. He shall without delay deliver to the officers of the corporation and to all committees of the city council all orders, resolutions or communications referred or directed to such officers or committees by that body. He shall likewise deliver to the mayor all ordinances or resolutions under his charge which may require to be approved or otherwise acted upon by the mayor, with all papers on which the same are founded.

412. When an ordinance is in force providing for labor on the streets and alleys he shall on or before the first day of June of each year make or cause to be made out a complete list of all the able bodied male inhabitants of the city between the ages of 21 and 50 years (excepting paupers, idiots, lunatics and such others as are exempt by law) and deliver such list to the city superintendent of streets.

413. He may appoint a deputy, who, in the absence of the clerk in case of sickness or otherwise, shall be empowered to perform all the duties of the city clerk, and the city clerk and his bondsmen shall be held jointly and severally responsible for the fidelity of such deputy so appointed by him.

CHAPTER VIII.

CITY COLLECTOR.

414. Except when otherwise provided by law, it shall be the duty of the city collector to collect all special assessments or special taxes assessed for public improvements within the city, including sidewalks, and also all water rents or sums of money due the city for water furnished by the city and all moneys otherwise due the city upon any account or claim whatever, coming into his hands, and it shall further be his duty to preserve all warrants which are returned into his hands, and he shall keep books and accounts which shall show all receipts and moneys received by him and other matters pertaining to his office in a clear, intelligible and methodical manner.

415. He shall annually between the first and tenth of April, file with the city clerk a statement of all the moneys collected by him during the year, the particular warrants, special

assessments, taxation or account on which collected, and shall state the balance of moneys uncollected on all warrants in his hands and the balance remaining uncollected at the time of the return on all warrants that may have been returned during the preceding year, and shall also state in such account all other moneys due and unpaid the city from water rents and from all other sources, which have come into his hands for collection, and shall perform such other duties as is or may be by law or ordinance of the city imposed on him. He shall keep his office with and in the office of the city clerk of the city.

416. He shall render to the city council at the first regular meeting in each month a comparative statement of the receipts of the water department for the previous month, compared with the receipts for the same month in the previous year, and also a statement of the receipts for the expired portion of the fiscal year, compared with the same period of the previous year.

CHAPTER IX.

CITY ENGINEER.

417. The city engineer shall be ex-officio the city surveyor, and shall perform all the duties of that office, in addition to such other duties as the council may by resolution or ordinance require.

418. He shall when requested or directed by the mayor or city council ascertain and establish the grade of any street, avenue or any public square within the corporate limits of the city and shall mark the same in a substantial manner, and upon like request or direction superintend the construction of any public work of the corporation or in which it is interested and shall daily or as often as may be necessary examine such public work under his charge and see that the same is properly executed; and if the contractor therefor shall neglect or refuse to execute such work in accordance with his contract and specifications, said engineer may suspend the work, and shall thereupon report the facts to the mayor, who shall report the same to the city council at once for their action.

419. He shall, when required, receive, inspect or measure any lumber, brick, stone or other material, to be used in any public work of the city, and if necessary keep an accurate account of the quantity and quality of the same, the cost thereof, from whom received and for what purpose used or to

be used; and he shall examine all bills for materials so received by him, or in connection with his department, and, if found correct, shall certify the same to the city council for allowance.

420. Said engineer shall keep in his office, plats of all grades or boundaries of streets and alleys established by the city council, correcting the same when any grade shall be changed, and adding thereto when any new grade or boundary shall be established. He shall also keep correct surveys of all public sewers within the city, showing the location, length and dimensions of the same respectively. He shall record in a suitable book or otherwise, the profiles of all surveys of grades and boundaries, of all surveys of whatever nature established, and preserve the original papers relating thereto, and shall otherwise keep a systematic record of all the transactions pertaining to his office, and shall index all surveys and records, and shall carefully preserve in his office all plats and records, and all books, maps and records, pertaining to the duties of his office.

421. He shall employ the necessary chainmen and such other assistants as the city council authorize, which said chainman and other assistants shall, before entering upon their duties, be duly sworn to measure accurately and justly, and to perform their respective duties to the best of their knowledge and ability.

422. He shall when called upon by persons having an interest in lands within the city to make surveys thereof, other than to mark the established grade, for which no charge shall be made, before doing such work charge and receive payment in money for the proposed service sufficient to cover all the cost of such work including payment for his time spent therein. All money so received shall be paid to the city treasurer and reported to the council.

423. Any person wishing to connect or have connected any private drain or sewer, with any public sewer, or sewer built or owned by the city, shall first apply to and obtain a written permit from the city engineer therefor, whose duty it shall be to prescribe the mode of tapping the public sewers, the size of the openings therein, and the materials to be used in such connections. The person obtaining such permit shall present the same to the superintendent of streets (or to such other person as shall be appointed by the mayor for that purpose) under whose direction and supervision the work of making such sewer connection shall be done. Whoever shall violate or shall fail to comply with any of the requirements of this section, shall be subject to a penalty of not less than five dollars, nor more than one hundred dollars for each offense. (See Sec. 491.)

424. He shall verify all plats of additions, divisions and subdivisions, of tracts of land, lots and blocks, within the city submitted to the council for approval, and add his certificate thereto. He shall see that substantial and permanent monuments are placed marking the boundaries of such additions, divisions and subdivisions, and of the tracts, blocks and lots, and of the street lines therein, such monuments to be plainly shown on the certified plat. and reference to other well established monuments to be duly noted.

425. He shall make an annual report in writing to the council at their first regular meeting in the month of May showing a general abstract of all the operations in his department during the previous year, the work executed and which remains to be executed, and such other information as he shall deem of interest to the city or the city council may require, and shall make reports to the clerk when required by that officer to do so.

CHAPTER X.

FIRE DEPARTMENT.

426. There is hereby established an executive department of the municipal government of the city of Monmouth which shall be known as the fire department, and shall embrace the fire marshal, and the first and second assistant fire marshals and such number of custodians and firemen as the city council may see fit and proper to prescribe and establish.

427. The fire marshal shall in all cases of fire have sole and absolute control over all the members of the fire department. He shall also at all times have the general direction and management of all fire engines, hose, hook and ladders and other apparatus belonging to the fire department, and shall be responsible for the safety and good condition of the same. He shall once in each year, at the first regular meeting in May report to the city council the condition of the fire department, and the engines and other apparatus belonging thereto, and shall recommend such alterations, improvements and additions thereto as by him may be deemed necessary and expedient.

428. The fire marshal, or any assistant fire marshal in command, may prescribe limits in the vicinity of any fire, within which no persons excepting those who reside therein, firemen and policemen, and those admitted by order of any officer of the fire department, shall be permitted to come.

429. The fire marshal shall inquire into and investigate the cause of all fires which may occur in the city, as soon as may be after they occur, and cause to be kept a record of his proceedings, and file the same, or a copy thereof, in his office.

430. It shall be the duty of the said assistants, if in their power, to attend all the fires happening in the city, and in case of the absence of the fire marshal at any fire, it shall be the duty of the first assistant to take charge of the organization, and he shall have and exercise all the powers of the fire marshal; and in case of the absence of both the fire marshal and first assistant, the second assistant shall have and exercise the duties and powers of fire marshal. In case of vacancy in the office of fire marshal, the first assistant shall discharge the duties of fire marshal until the vacancy shall be filled.

431. The firemen shall be divided into such companies as the city council may on the suggestion of the fire marshal from time to time direct. All members shall be able bodied men over the age of 21 years; and no person shall be recognized as a member of any company who shall not have been duly elected as such by a majority of the acting members of the company. The number of men in any company shall not at any time exceed 20 unless the city council should by ordinance or resolution otherwise direct.

432. Each company of firemen may adopt such a constitution and such by-laws and rules for its regulation and government, subordinate to the ordinances of said city, as it may deem best calculated to accomplish the object of its organization.

433. The different fire companies under the direction of their proper officers, shall upon every alarm of fire repair to the place of the fire with such fire apparatus as may be in their care and control, and shall at such fire work and manage such apparatus under the direction of the fire marshal and his assistants, and in case of the absence of the fire marshal and his assistants, they shall place and work their apparatus in the most effective manner, until the fire be extinguished. If any company shall, without permission of the fire marshal in command, or such other person as may be in command, leave any fire with its engine or other fire apparatus, the officer directing the command of such company while so leaving shall, upon conviction, forfeit and pay the sum of twenty-five dollars for each and every offense.

434. All members of the fire department are hereby exempted from laboring on the streets, roads and other public highways of said city, and are also exempted from sitting as,

jurors in police prosecutions before the police magistrate of said city.

435. No person shall in any manner obstruct the use of any fire hydrant or cistern, or have or place any material in front thereof or within twenty feet from either side thereof, under the penalty of ten dollars for each offense; and any and all material found as an obstruction as aforesaid may be forthwith removed by any member or members of the fire department and at the risk, cost and expense of the owner or claimant.

436. Any person not a member of the fire department, who shall personate a fireman or officer of the fire department at a fire, or going to or returning from a fire, by wearing a cap or badge or in any other way, shall be subject to the penalty of ten dollars for each offense.

437. Every person who shall be present at a fire shall be subject and obedient to the orders of the fire marshal and the assistant fire marshals, in extinguishing the fire and the removal and protection of property; and in case any person shall refuse to obey such orders, he shall forfeit and pay for every offense the sum of five dollars: PROVIDED, that no person not a member of the fire department shall be bound to obey any of said officers, unless such officers shall bear their respective badges of office, or their official character shall be known or made known to him; and all such officers shall have power to arrest any person or persons so refusing to obey such lawful orders as aforesaid, and hold them in custody until after the fire is extinguished, when he or they shall be taken before a magistrate to be dealt with according to law.

438. It shall be lawful for the fire marshal and the assistant fire marshals to require the aid of any drayman with his horse and dray, driver of a licensed wagon with his team and wagon, or any citizen, inhabitant or bystander, in drawing or conveying any engine or other fire apparatus to the fire and in working and using the same while at a fire; and on the refusal or neglect of any person to comply with such requisition, the offender shall for every default forfeit and pay a penalty of not less than five dollars nor more than twenty dollars.

439. Any person who shall willfully make any false alarm of fire, or who shall hinder or interfere with any city officer or member of the fire department in the performance of his duty, or who shall willfully drive any wagon or other vehicle on the hose, or shall in any manner cut, deface, destroy, injure, disturb or interfere with any engine, hose or other apparatus, machin-

ery or thing belonging to the city or any portion of the fire department or any fire company, shall be subject to a penalty of not less than three dollars.

440. If any person having charge of an engine or other fire apparatus shall suffer the same to be applied to private uses without the consent of the fire marshal, or in his absence of the proper assistant fire marshal, he shall pay a penalty of not less than five dollars nor more than fifty dollars for each and every offense, and shall be personally liable for all injuries thereby accruing to such engine or other fire apparatus.

441. The acting fire marshal, or in his absence the mayor, shall have power, in his discretion, to permit any fire company to go with their respective engines and other fire apparatus, beyond the limits of said city, to be absent such length of time as he may direct not to exceed twelve hours. Any officer in command of any company who shall suffer or permit the engine or other fire apparatus in charge of said company to be taken beyond the limits of said city without such permission, shall, upon conviction, forfeit and pay not less than five nor more than one hundred dollars for each and every such offense, and shall also be liable for all injuries that may happen to such engine or other fire apparatus during such absence.

442. The fire marshal in command, or in the absence of the fire marshal and his assistants, the mayor or any alderman may direct the hook and ladder men to cut down and remove any building, erection or fence for the purpose of checking the progress of the fire, and to the same end the fire marshal in command at any fire, may with the advice of a member of the city council, blow up or cause to be blown up with powder or otherwise, any building or erection for the same purpose.

443. Any person who shall violate any of the provisions of this chapter, for which no other penalty is provided, shall forfeit the sum of not less than five nor more than twenty-five dollars for each and every offense.

444. The custodians subject to the supervision of the fire marshal shall have the care, custody and control of all the property of the fire department at the respective stations, and the fire commissioners shall adopt such rules for the government of such custodians and the care of the property placed within their custody and control as shall be deemed advisable and necessary, and any custodian failing or refusing to comply with or to enforce such rules and regulations shall be immediately removed by the mayor.

CHAPTER XL

HEALTH DEPARTMENT.

445. There is hereby established an executive department of the municipal government of the city of Monmouth, which shall be known as the health department, and shall consist of a board of health composed of a health officer, who shall be a physician in good standing in his profession, and two citizens of this city, who shall be appointed by the mayor, by and with the advise and consent of the council, at their first regular meeting in May of each year, and shall hold office for one year, and until their successors are appointed and qualified.

446. The mayor shall be ex-officio president of the board of health, and the city clerk shall be ex-officio its secretary.

447. The board of health shall meet at the council chamber at least once in each quarter of the fiscal year, and at such other times and places as they shall be called together, as otherwise provided in this ordinance.

448. Two citizens, or the health officer and one citizen, shall be necessary to constitute a quorum at any meeting of the board.

449. The board of health shall have the power to make such regulations as it shall deem necessary for the public health and safety, respecting nuisances, sources of filth and cause of sickness within the city.

450. When the board shall make any general regulation in regard to the health or cleanliness of the city, it shall cause a copy of such regulation, duly attested by the secretary, to be published in some newspaper of the city for the space of one week. Such publication shall be deemed a legal notice to all persons of the regulation so made by the board.

451. The board of health are further empowered and directed:

First. To exercise a general sanitary supervision over the City of Monmouth, and, to that end, may adopt such measures as will promote the cleanliness and health of the city.

Second. To cause the abatement of nuisances, of every sort, in any manner prejudicial to health, on private property as well as on public property.

Third. To notify the owner or occupant of any lot or parcel of ground, on which any nuisance or cause of sickness exists, or is found, to remove the same, at his own expense, within such time as they may deem reasonable.

Fourth. To require, by general regulation or otherwise, the owners or occupants of any property abutting on any alley or lane, to cleanse said alley and to remove therefrom any filth or cause of sickness, within such time as they may prescribe.

Fifth. To make such regulations and orders as they may deem prudent and advisable in regard to the cleansing of drains, sewers and other passages for the discharge of water within the city.

Sixth. To make such regulations and use such precautions as in their judgment will prevent the introduction into the city of any malignant, infectious or contagious disease, and to establish hospitals.

Seventh. To notify the supervisor of the proper town of the sickness within the city or within one-half mile thereof, of any person who is a pauper or a non resident, or any person not coming within the definition of a pauper of any county or town, from an infectious or contagious disease, and not having money or property to pay his board, nursing and medical aid, which notice shall be in writing and shall give the name (if known) of the person so sick and the place where, and in said notice shall request such supervisor to take the necessary steps to care for such person so sick or diseased and to prevent the spread of said disease, and in giving such notice shall comply as near as can be with whatever rules or regulations relating thereto the county board of the County of Warren has or may adopt, and in case of failure or refusal of such supervisor of the town or county authorities to promptly and properly care for such person so sick or diseased, the board of health shall take and adopt such measures as may be necessary to properly care for such person and prevent the spread of such disease, and in doing so shall keep an account of all expenses incurred thereby.

Eighth. To make such regulations and restrictions in regard to communication or intercourse, by and with all houses, tenements or other places, and the person occupying the same, in which there shall be any person sick, with any contagious, malignant or infectious disorder, as they shall deem necessary and proper.

Ninth. The notice referred to in subdivision three (3) of this section shall describe, with ordinary certainty, the nuisance, or cause of sickness, the removal of which is therein required, and shall be served by the marshal or any police officer, or by any constable, in the way that notices are served

in civil actions. If the owner or occupant fails to remove such nuisance within the time required in such notice, he shall be liable to a penalty of not more than twenty-five dollars for every day during which he knowingly permits such nuisance or cause of sickness to remain after the time prescribed for the removal thereof, and if the board or health officer shall cause such nuisance, or cause of sickness to be abated or removed, the expense of such removal may be recovered in an action against either the owner or the occupant, as either may have been served with the notice to remove, or against both, if both were served with such notice.

452. The city marshal shall attend all meetings of, and serve all precepts and notices issued by said board and signed by the clerk, and shall be the officer of the board of health to execute any orders of said board, or any member of said board, directed to him, and such police officers as the board of health may direct shall serve notices and precepts issued by said board, and shall execute all orders of the board directed to them; and shall attend to the abatement or removal of all nuisances, and perform such other duties in relation to nuisances as the board may direct; and as often, and in such manner, as may be required of them, shall examine the condition of all streets, lanes, avenues, alleys, market places and public squares, and private yards of the city, and report to said board or any member thereof, all nuisances found therein; and shall notify persons upon whose premises, or premises occupied by them, any nuisance may exist, to remove the same, and if it be not removed forthwith, to make a report thereof in writing to said board or any member thereof; to visit at least once a week, and oftener when required by said board or any member thereof, every part of the city; to arrest any person found violating any city ordinance which relates to the sanitary regulations of the city; and to arrest persons throwing, or permitting to be thrown, from their premises into their yard, or into any street or alley, any filth or other matter prohibited by the ordinances of the city, or the regulations of the board of health; and in other respects to exercise the utmost diligence in enforcing the ordinance in regard to the health of the city.

453. The owner or occupant of every lot or building, or any appurtenances thereof, shall keep every part thereof free from filth or anything offensive to the neighborhood about the same, likely to contribute to disease or infection, or which is prohibited by the board of health; and upon failure to do so, it is hereby made the duty of the city marshal or health officer, upon complaint, inspection or order of the board of health, immedi-

ately to give notice to the owner or occupant thereof, and require him to do such act as the said officer, under the direction of the board of health, shall deem necessary for the health of said city, and in case of failure to comply with such requirements for the space of twelve hours, said officer is required and empowered to do such acts himself, keeping a correct account of all the expenses of the same, for all of which expenses said owner or occupant shall be liable, and may be fined for a violation of the provisions of this ordinance.

454. It shall be the duty of every physician of the city to report to the health officer every case of scarlet fever, diphtheria, cholera or other contagious or infectious disease he may be called upon to attend within the city limits or within one mile thereof, or any case of small-pox he may be called upon to attend within the city limits or within five miles of the city, within twelve hours after he shall have examined the patient, with the location of the house, and name of occupant, and street.

455. All persons having scarlet fever, small pox, or other contagious or infectious disease in the city or within one-half mile of the limits thereof, are hereby required to keep closely confined within their respective dwellings or places of abode; and the board of health or health officer may cause suitable notices with the name or character of the disease, printed or written in large letters thereon, to be posted up in the most conspicuous place on or near such dwelling or place of abode, in which such contagious or infectious disease exists; and if any person or persons shall deface, alter, mutilate, destroy or tear down such notice, without permission of the health officer, such person or persons shall be liable for each offense, to pay a fine of not less than five dollars nor more than fifty dollars; the occupant of any house upon which such notice shall be place or posted as aforesaid, shall be held responsible for the removal of the same, and if the same shall be removed without the permission of the health officer, such occupant shall be subject to the like fine of not less than five dollars nor more than fifty dollars, unless he shall notify the health officer within twenty-four hours after the removal of the said notice.

456. The health officer may take such measures as he may, from time to time, deem necessary to prevent the spread of small-pox by issuing an order requiring all persons in the city or any part thereof, requiring vaccination, to be vaccinated within such time as he shall prescribe; and all persons refusing or neglecting to obey such order shall be liable to a fine of not less than three dollars nor more than twenty-five dollars:

PROVIDED, that it shall be the duty of the health officer to provide for the vaccination of such persons as are unable to pay for the same at the expense of the city.

457. All persons are required to obey the ordinances, precepts, regulations and requirements of said board or the health officer; and whoever shall fail, refuse or neglect so to do, shall be guilty of a misdemeanor, and fined not less than one nor more than one hundred dollars.

458. It shall be the duty of the health officer to call meetings of the board of health whenever in his opinion there is a necessity for such meeting, and to issue such orders and take such measures as may be necessary for the abatement of nuisances of every sort in any manner prejudicial to health, whether on public or private property within the city limits, or within one-half mile thereof; to see that the orders of the board of health are obeyed, in relation to any person attacked by a contagious disease; to attend the meetings of the board of health, and act as a member thereof.

459. The board of health shall keep a correct and full account of all expenses incurred by them; with whom and on what account; and whether payable by the county or city or by individuals, and shall at the end of every month render to the city council an account of all expenses that may have been incurred by them or under their authority.

CHAPTER XII.

MINERAL OILS—INSPECTOR OF.

460. Before entering upon the duties of his office, the inspector of mineral oils shall take the oath required by law and shall execute a bond payable to the people of the State of Illinois in the sum of \$500.00, with one or more sureties, to be approved by the mayor, conditioned for the faithful discharge of the duties of his office. He shall perform the duties required of such oil inspector by the laws of the State of Illinois, and the ordinances of the city.

CHAPTER XIII.

POLICE DEPARTMENT.

461. There is hereby continued and established a depart-

ment of the executive branch of the municipal government which shall be known as the police department, and consists of the mayor, city marshal, sergeant of police, and such number of regular policemen, as may from time to time be fixed by the city council, and such special policemen as are now or may hereafter be appointed. The officers and men now appointed and constituting the present police department shall continue to do so, subject to the provisions of this ordinance, until the expiration of their respective terms, or until removed or their successors are appointed and qualified.

462. At the first regular meeting of the city council in the month of May in each year, after the expiration of the terms of office of the officers and men now elected or appointed respectively, or after their removal, the mayor, with the approval of the city council, shall appoint as a regular police force of the city to serve for the term of one year and until their successors are appointed and qualified, a city marshal, a sergeant of police, and such number of regular policemen as may from time to time be fixed by the city council, not less than three nor more than six. The mayor may also appoint at any time when he may deem it necessary, such number of special policemen as in his judgment the public good may require to act during such time as he may deem necessary; reporting all such appointments to the city council at its next meeting, and the time of service of any such special policemen shall not continue after the night of such meeting of the council unless by the order of the council. Such special policemen shall receive for each day's service the sum of two dollars, and during their time of service shall possess the same power and authority as regular policemen and be subject to the order of the mayor and the city marshal. The mayor may also appoint, with the approval of the city council, at any time, any number of special policemen, to serve without pay from the city, to act as watchmen in and about shops, factories, buildings, parks, cemeteries and other places. Such special policemen without pay shall have all the qualifications required in the case of regular policemen. They shall take and subscribe the same oath and exercise the same powers, and be subject to the rules and regulations of the police department, so far as the same may be applicable to them, but shall not be paid anything by the city for their services as policemen unless called upon by the mayor to assist the regular force, when in such case they may be paid not to exceed the amount per day paid for like services performed by other special policemen. Special policemen, either with or without pay, shall wear their stars when performing any official duty.

463. The city marshal shall devote his whole time to the municipal affairs of the city of Monmouth, to preserve the peace, order, safety and cleanliness thereof, and to this end he shall execute and enforce all ordinances and orders of the city council, and the orders of the mayor. He shall be charged with the duty of protecting the rights of persons and property, and providing a proper police force at every fire, protecting strangers and travelers at railway stations, and causing to be enforced all ordinances of the city. He shall take notice of all nuisances, impediments, obstructions, and defects in the streets, avenues, alleys and public places of the city, and shall remove the same, or cause immediate notice thereof to be given to the superintendent of streets. He shall have power to arrest all persons in the city found in the act of violating any law or ordinance, or aiding or abetting in any such violation and shall arrest all persons found under suspicious circumstances, and shall take all such persons so arrested to the place designated by such ordinances, rules and regulations.

464. It shall be his duty to attend all meetings of the city council, and of the board of health, and to serve all writs, notices, precepts and processes issued by the city council or any committee thereof or board of health or by the mayor, city clerk, or police magistrate of the city, except such as may be otherwise provided for; to collect by execution or otherwise all fines, forfeitures and penalties which may accrue to the said city not otherwise provided for by ordinance or resolution of the city council; to diligently inquire into and report to the mayor all violations of the city ordinances, violations of the criminal law of the state, breaches of the peace, and to prosecute the persons guilty thereof; to ferret out all suspicious or disorderly houses in the city, and report the same to the mayor, and visit all parts of the city where disturbances or breaches of the peace, or violations of any ordinance are likely to occur; to arrest without warrant any person who shall be found violating any ordinance of the city, and bring such person before the police magistrate to be dealt with according to law; to preserve and keep all moneys or property which may be found upon the person, in possession of or claimed by any person arrested for crime, and pay or deliver over the same by the order of the mayor of the city; and the said marshal shall on or before the first Monday in May in each year make out and hand over to the clerk of the council a report of all money received by him by virtue of his office, and what disposition has been made of the same, and he shall in the discharge of his duties as marshal, have the power to execute writs or other process issued by the police magistrate or justice of the peace anywhere within the

limits of Warren county, and in the discharge of his duties, he shall be invested with the same powers as are conferred upon constables by the laws of the state; and it shall be his imperative duty to be active and vigilant, and enforce the several provisions of all the ordinances of said city, and he shall do and perform such other duties as may be required of him by ordinance, resolution or order of the city council.

465. He shall have the care and custody, subject to the supervision of the mayor and city council, of the police patrol wagon, together with the horse or horses and equipments pertaining thereto.

466. The city marshal shall at the first regular meeting of the council in each month of the fiscal year render a detailed report to the council in writing of all his acts as city marshal during the preceding month, with a statement of all arrests made in the city by him, or by any of his subordinate officers during said preceding month, and at the same time a statement to the clerk, in writing of all moneys received and all sums paid out by virtue of his office during said month, and shall require all his subordinate officers to make a report to him at the close of each month, showing in detail the number of arrests made, name of person arrested, cause, etc., and the receipt and disbursement of any moneys by them during the preceding month.

467. He shall prepare and submit to the city clerk on or before the first Monday of May in every year, an estimate of the whole cost and expense of providing for and maintaining the department of said city during the coming fiscal year, which estimate shall be in detail, and shall be laid by said clerk before the city council, with his annual estimate.

468. It shall be the duty of the sergeant of police to aid and assist the marshal in preserving the peace and good order of the city and in enforcing the laws and ordinances thereof. He shall have power to arrest any person whom he may discover violating any of the laws or ordinances of the city, and shall have the same general powers and perform the same duties as the marshal, and in the absence of the city marshal shall be ex-officio chief of police.

469. It shall be the duty of each and every police officer regular or special, during the term of his service to discover and bring to justice criminals, and all persons who shall offend against the laws and ordinances of the city; and perform such other duties as attach to the functions of detective and police officers. The powers of the said policemen shall be the same as those of the city marshal of said city on all occasions of arrest,

service of process, and quarrelling, disturbances, and the preventing of violations of the laws and ordinances of this city.

470. All policemen shall, when on duty be under the direction of the city marshal, or in his absence, the sergeant of police, except as the mayor may otherwise order.

471. Every police officer elected or appointed by virtue of this ordinance shall wear on his breast a metal star when acting in discharge of his official duties.

472. In all cases of violation of any ordinance of the city, or in case of any violation of the criminal laws of the state, it shall be the duty of the city marshal, sergeant of police, or any policeman of said city, upon view thereof, or upon immediate pursuit, forthwith to arrest the offender, or offenders without warrant, and to proceed to prosecute such offender, or offenders according to law. And the city marshal, sergeant of police or any policeman of said city, may, and shall if necessary, call to his aid or assistance any male person or persons who are residents of said city, above the age of twenty-one years; and any such person or persons who shall refuse to give assistance when so called upon shall, on conviction, forfeit and pay a fine of five dollars.

473. The powers and duties of the city marshal, sergeant of police, or any of the aforesaid policemen acting under the authority and direction of the city marshal, shall extend to regulating and directing the travel and movements of any and all persons, teams, horses, carriages, and all vehicles traveling or going in the public streets and other public thoroughfares of said city, for the purpose of preventing collisions or injuries to persons and property while going or traveling on any such streets and thoroughfares, and each and all persons so traveling or going as above provided, are required to observe and obey the orders and directions of the city marshal, sergeant of police, or any policemen of said city, made for the purpose aforesaid, when so traveling as aforesaid; and any person or persons violating or failing or neglecting or refusing to observe or obey any such orders and directions of the city marshal or any policeman shall on conviction, be fined five dollars; and the city marshal, sergeant of police or any such policeman may arrest any person violating this section of this ordinance without warrant.

474. It shall be the duty of every police officer, immediately upon an alarm of fire, to repair to the place of the fire and there remain subject to the direction of the mayor, or if he be not present, to the city marshal for the discharge of police duty, and to aid in extinguishing the fire, and preserving and

protecting property as well from the fire as from the hands of pilferers, thieves and any others not the owner, who would make away with such property.

475. Any member of the police force who shall neglect or refuse to perform any duty required of him by the ordinances of the city, or the rules and regulations of the department of police, or who shall in the discharge of his official duties, be guilty of any fraud, extortion, oppression, favoritism, or wilful wrong or injustice, shall forfeit and pay a penalty not exceeding one hundred dollars for each offense.

CHAPTER XIV.

CITY SCAVENGER.

476. It shall be the duty of the scavenger to collect and remove to such place or places as may be designated by the board of health all garbage, slops, night soil or contents of privy vaults whenever he shall receive notice from any member of the board of health or from persons desiring such service rendered.

477. The scavenger shall before entering upon the duties of his office, provide himself with a water tight close box, or vehicle, so arranged as to prevent escape of liquids and offensive odors therefrom in the conveyance of garbage, slops and other matter through the streets.

478. Said scavenger shall be governed and directed by the board of health and it shall be unlawful for any person other than the city scavenger to gather up and convey through any street or alley the contents of privy boxes, pails or vaults in any other than a tight box.

479. No privy vault shall be opened or contents thereof disturbed or removed between the hours of four o'clock a. m. and ten o'clock p. m. of any day; and any scavenger having undertaken work on any privy vault or having been paid in advance for such work shall speedily and without delay proceed with the same and for no reason abandon it until completed; in all cases leaving the privy in as good condition upon the vault as when the work was undertaken.

480. The owner or occupant of any premises upon which any privy is situated or upon which there is any night soil shall, whenever the same becomes a menace to health, or offensive, or

so that the odor therefrom is discernable at any dwelling house, or when ordered by the health officer, cause the drawer or vault of such privy to be cleaned or such night soil removed from such premises.

481. Any person violating any provision of this chapter sha'll be subject to a penalty of not less than two dollars nor more than fifty dollars for each offense.

CHAPTER XV.

CITY SEXTON.

482. It shall be the duty of the sexton to take the entire charge, control and superintendency of said cemetery subject to the order of the council, and preserve and keep in proper repair the fences and enclosures of the same; to keep the grounds in good order and as far as practicable prevent the injury, destruction or defacing of any graves or grave-stones, tablets, ornaments, monuments or flowers placed or erected in said cemetery. It shall also be his duty to point out to persons wishing to purchase all lots for sale, and notify the clerk when and where any person has made a selection.

483. It shall also be his duty on request of the owner or person controlling any lot or part of lot in the cemetery to keep the same in good order and condition by cutting the grass thereon or otherwise and to dig all required graves therein; to attend every interment in person or by some capable deputy; to fill and immediately trim the grave after depositing the coffin; to fill and trim the graves that have or may hereafter fall in; to register in a proper book kept for the purpose the names, ages, and residence, so far as known, of all persons buried therein, stating the place where buried; which register shall always be open for inspection of the council and public and persons interested therein without charge. He shall at all times keep the walks, avenues and alleys in good order and open to each lot.

484. He shall give his entire time to the city in the performance of his duties, and when it becomes necessary in order to keep the graves in good order and to perform such other services as may be required of him as such sexton, he shall be authorized to hire such extra help as is needed at such wages as others pay for like or similar services, and he shall have power to contract for the care or improvement of lots in the cemetery, either by the job or by the actual time spent, at such price as will remunerate the city therefor, and he shall keep a record of

all work done for owners of lots and the amount due therefor and shall return all such accounts to the city clerk who shall at once deliver the same to the city collector for collection, and said sexton shall render a monthly report of his work to the city council.

485. He shall have power to preserve order in the cemetery and to expel therefrom at any time, any disturbers of the peace or quiet of the cemetery, or any improper character resorting thereto.

CHAPTER XVI.

STREETS—SUPERINTENDENT OF.

486 The superintendent of streets shall have charge of the improvement, repair and cleaning of all streets, avenues, alleys, highways, and all grounds belonging to or occupied by the city, except as by statute, ordinance or order of council is or may be otherwise provided.

487. It shall be his duty to see that the streets, sidewalks and alleys, and other public highways of the city, are kept in good and proper repair, and to superintend such repairs. When improvements are ordered to be made on any street, or other public highway, by the council, such improvement, except when otherwise provided for, shall be made under his supervision and pursuant to such order. In repairs, involving a probable cost of \$20 or over, he shall, in making such repairs confer with, and act under the direction of the committee on streets and alleys.

488. It shall also be his duty to see that the crossings on the public streets, within the business portion of the city, and such other crossings as the council or mayor shall from time to time direct, are kept clean, and free from mud, ice and snow, and that the walks about the public parks, city buildings and lots are likewise properly cleaned whenever the same may be necessary.

489. He shall, annually in the spring of the year, under the direction of the committee on streets and alleys, cause the streets, avenues and alleys, where needed, to be cleaned and the gutters opened, and shall, as far as practicable, keep them in that condition during the year. He shall, from time to time, examine the sewers culverts, bridge, crosswalks and sidewalks, and report the condition of the same to the city council,

and recommend such improvements or repairs as he may deem necessary.

490. He shall cause all ordinances in relation to streets and alleys to be enforced, and shall prosecute all persons for violations thereof. He shall carry into effect all such orders general or special, as he may receive from the city council, the mayor, or the committee on streets and alleys, and for any wilful neglect or refusal to perform any duty required of him by the laws or ordinances of said city, he shall be liable to removal from office.

491. He may by authority of the committee on streets and alleys, employ such number of laborers, teams and wagons or carts, as may be necessary for the doing of the work of his department and such as may be required of him by law or by the ordinances of said city, but not to pay or engage to pay for such labor or services more than the customary rates paid by others for similar labor or services. He shall oversee and direct the street laborers and workmen, and require them to labor faithfully, and shall keep, in a suitable book, a correct account of their time. He shall also supervise all connections of private drains, or sewers with the public sewers, and shall see that the same are made in such manner that no injury is done to the public sewers and in the absence of the city engineer may grant permits for such connections.

492. He may procure the necessary implements for performing street labor, or material for bridges, culverts and cross walks, but he shall purchase no implement nor any material without making a written requisition on the committee on streets and alleys of the city council, and obtaining their order therefor; and when he shall purchase any implement or materials for the use of the corporation, he shall report the bill therefor to the said committee. He shall cause all implements or tools belonging to the city to be legibly marked or branded with the letters "C. of M." and shall cause them to be properly housed or protected from the weather when not in use.

493. He shall keep a correct list of all implements, materials and other property of the city, in his charge or possession; and upon the expiration of his term of office, or his resignation thereof or removal therefrom he shall deliver said property to his successor in office, if there be such and if not to the mayor, taking a receipt therefor, which he shall immediately file with the city clerk.

494. He shall at the first regular meeting of the council in each month make a full report of his doings, which report will show:

First. The name of each person employed by him.

Second. The time which each person has performed labor and the kind of labor.

Third. The amount due to each person for such labor.

Fourth. Upon what street or alley or other highway, such labor was performed.

495. When an ordinance is in force for that purpose, it shall be his duty to require all the inhabitants of the city liable to road labor to perform the same; to superintend and to direct such labor and to receive in commutation thereof the amount provided by ordinance, and he shall make monthly reports to the city collector of all moneys received by him for commutation of such labor, and in such reports shall give the names of all persons who have been notified to labor upon the streets as required by ordinance, and who have failed to perform such labor or pay the commutation therefor, and shall annually on the first Monday in May, make a detailed report to the city clerk showing the entire transactions connected with his office during the past year, and shall include therein the total amount received by him as commutation for road labor, the names of the persons paying the same, and also the names of all those in default which have been reported by him to the city collector.

496. He shall prepare and present to the city clerk on or before the first Monday in May of each year, an estimate of the amount that will probably be needed for street purposes, including the cost of constructing and repairing sidewalks for the coming fiscal year.

CHAPTER XVII.

CITY TREASURER.

497. Except when otherwise provided by law or ordinance it shall be the duty of the city treasurer to collect and receive all moneys due to or belonging to the city, and he shall pay all orders or warrants authorized by the council and properly drawn against a particular fund, signed by the mayor and countersigned by the city clerk. If at the time any such order or warrant is presented to him for payment, there is not in his hands money belonging to the fund against which such order or warrant is drawn, he shall endorse thereon the words, "Presented for payment but no money in fund with which to pay," (noting the date) and shall sign the same in his official capacity. He shall make an entry of the number, date and amount

of such order, to whom payable, and on what fund and the date of its presentment, and he shall make report of all such orders or warrants to the city clerk in his monthly report.

498. He shall report to the city clerk any officer who may fail to make a return of the moneys received by him at the time required by law or by the ordinances of the city, and shall make such other reports and perform such other duties as is or shall by law or ordinance be required of him.

499. When any city warrant shall be lost or destroyed, so that it cannot be presented to the treasurer for payment by the person entitled thereto, such person shall apply by petition to the city council for relief, and the council may order the clerk to issue a duplicate warrant to the person so entitled to payment, upon his filing an affidavit of the loss or destruction of the original, and giving bond or security to the city to refund the amount of such warrant, and pay all costs in case the original or lost warrant should be presented, and said city be compelled to pay the same.

500. He shall cause to be kept books of accounts, so as to show in a plain, simple and methodical manner all moneys received by him and from whom, and on what account or fund they have been received; and all moneys paid out by him and on what account or fund they shall have been paid.

CHAPTER XVIII.

WATER WORKS—SUPERINTENDENT OF.

501. The superintendent of water works shall exercise a general supervision over the city water works, and any or all property pertaining thereto, and it shall be his duty to diligently care for the same, and to protect it from unnecessary damage or loss, and to keep said water works system and every part thereof in good working order and repair at all times; he shall by and with consent of the mayor at such wages as may be fixed by the city council employ and have general supervision over the engineers, firemen and all employes in the water department, and shall have power to discharge any inefficient or insubordinate employe, subject to the approval of the mayor; he shall superintend the making of all necessary repairs of every kind and nature, and shall inquire diligently after all offenses against the laws or ordinances of the city in relation to water works or water system of the city and cause suits to be instituted for the penalties incurred or damages occasioned

thereby; and further he shall discharge all duties imposed upon him by any ordinance of the city or resolution of the council, or order of the mayor or water works committee.

502. He shall have charge of the tapping machinery and tools, and shall superintend all the necessary tapping of the water mains, and he shall in connection with, and under the approval of the water works committee of the city council, make all necessary purchases of materials and supplies for use in his department, and whenever repairs of works under his charge are necessary, which he and the regular employes of his department are unable to make that he in connection with and under the direction and approval of the said water works committee, shall provide for and have repairs made, and in connection with the said committee, he shall have a right to fix all such water rates or charges not fixed by ordinance, subject to the approval of the city council.

503. He shall at all times and in all things pertaining to the superintendence, management and care of said water works be subject to the supervision and direction of the city council and of its water works committee.

504. He shall at the first regular meeting of the city council in each month present a report of all work done under his supervision during the previous month, describing in detail the nature and character of the work and the cost thereof.

505. He shall keep a correct list and account of all tools, implements and other property of the city in his charge, and shall be accountable therefor. Whenever he shall purchase any tools, implements or other property on account of the city he shall immediately report the same to the city clerk who shall charge him with the same. He shall deliver all tools, implements and other property belonging to the city to his successor in office, or if there be none to the mayor, taking his receipt therefor, which receipt he shall file with the city clerk, who shall credit him with the same and charge his successor therewith.

CHAPTER XIX.

WEIGHTS AND MEASURES—INSPECTOR OF.

506. The inspector of weights and measures shall at least once in each year examine and inspect all weights, measures, scale beams, patent balances, steel-yards, and other instruments used for weighing at the stores and places where the same may be in use, and in case they be found conformable to

the standard of this state, he shall seal the same and deliver to the owner thereof a certificate of their accuracy; but in case any of them be found not conformable to the standard of this state, they shall be sent by the owner thereof at his expense, to the said inspector for the purpose of being adjusted and sealed within three days after the owner thereof shall be required to do so in writing by the said inspector under penalty of ten dollars for such neglect.

507. He shall on the written complaint of any person, that any instrument used in weighing in the city is not conformable to the standard of the state, forthwith inspect the same. The fees for making said inspection, if the instrument complained of be found to be not conformable to the standard, shall be paid by the owner of the instrument, but if found to be correct shall be paid by the person complaining.

508. He shall make a register of all the weights, measures, scale beams, patent balances, steel-yards, and other instruments used for weighing, inspected and sealed by him, in which he shall state the names of the owners of the same, and whether they are conformable to the standard of the state. And he shall once in each year deliver a copy of the register so made or kept by him, to the city clerk.

509. He shall report forthwith to the city attorney the names and places of business of all persons making use of any fraudulent or unsealed weights, measures, scales, balances, gauge or any instrument used for the purposes above described.

510. It shall not be lawful for the said inspector to vend any weights, measures, scale beams, patent balances, steel-yards or other instruments to be used for weighing, or measuring, or to offer or expose the same for sale in the city of Monmouth under the penalty of fifty dollars for every such offense.

511. It shall not be lawful for the said inspector to make any charges for inspecting and examining weights, measures, or other instruments used for weighing more than once in each year, unless they shall be found to be not conformable to the said standard.

512. He shall be entitled to demand and receive before the delivery of the certificate mentioned the following fees:

For inspecting and sealing railroad or track scales of the capacity of twenty tons and upward, each, three dollars.

For inspecting and sealing scales of from three to ten tons capacity, each, two dollars.

For inspecting and sealing dormant scales, each, twenty-five cents.

For inspecting and sealing movable platform scales, each, twenty-five cents.

For inspecting and sealing scale beams weighing one thousand pounds and upward, each, twenty-five cents.

For inspecting and sealing hopper scales, each, one dollar.

For inspecting and sealing counter scales, each, twenty-five cents.

- For inspecting and sealing every patent balance, steel-yard or other instruments for weighing other than above enumerated, each, fifteen cents.

And with each scale sealed by him he shall inspect and seal one set of weights without any additional charge

For inspecting and sealing any dry or liquid measure, each, ten cents.

513. All persons using any weights, measures, scale beams, patent balances, steel-yards, or any other instrument in weighing or measuring any article or commodity intended to be purchased or sold in the city of Monmouth, shall cause the same to be inspected and sealed by the inspector of weights and measures in said city, and all itinerant peddlers and hawkers using scales, balances, weights or measures, or any other instrument in weighing or measuring, shall take the same to the inspector of weights and measures before using the same and have the same sealed and adjusted once in each year; and any such itinerant peddler or hawker failing to comply with the provisions of this section shall each forfeit and pay to the said city a sum of not less than five dollars nor more than ten dollars, with the costs of prosecution for each and every day such person or persons shall use any weights, measures, or any instrument in weighing or measuring without having the same inspected and sealed as hereinbefore provided, after having been notified so to do by the inspector.

514. Any person who shall sell or offer for sale, any fruit, vegetables, berries or grain of any description, or any article of dry measurement within the city of Monmouth, in wine measures or in any other than legal dry measures, which shall have been rated by the inspector of weights and measures, whether of pint, quart or any other contents; or who shall practice deceit or fraud in the sale of wood or coal, by selling for a cord of wood less than 128 cubic feet of wood, or for a ton of coal less than 2000 pounds of coal, shall be subject to a

fine of not less than five dollars nor more than twenty-five dollars.

515. Any person who shall in weighing or measuring any article for purchase or sale, within the city of Monmouth, use any weight, measure, scale beam, patent balance, steel-yard, or other instrument not sealed, or without having first obtained the aforesaid certificate from the inspector as required by this ordinance, shall be subject to a fine of twenty-five dollars for each and every offense.

516. No person shall refuse to exhibit any weights, measures, scale beams, patent balances, steel-yards, or other instruments used in weighing and measuring to said inspector for the purpose of being so inspected or examined, nor shall in any way or manner hinder or obstruct or molest said inspector in the performance of the duties as hereby imposed upon him; and any person violating any of the provisions of this section shall be subject to a fine of twenty-five dollars for each and every offense.

517. The city clerk at the expense of the city, shall procure correct and approved standards of weights and measures of the standard adopted by the state of Illinois, with their necessary subdivisions, together with the proper beams and scales, for the purpose of testing and proving the weights and measures of said standard used in the city.

CHAPTER XX.

WEIGHMASTER.

518. It shall be the duty of the weighmaster to attend to the city scales at all reasonable times, to weigh or measure any load for any person who may desire; and he shall keep an account of the weight or measurement of such load, the date of the same, and the name of the person for whom weighed or measured, and shall furnish to him a certificate for each load, which certificate shall contain the gross and net weight or measurement of such load, date and name of person; and he shall compute the net weight or measurement into the other denominations according to the standard of weights and measures of the state of Illinois, and a table of standard weights and measures shall be posted at some conspicuous place in his office.

519. He shall give no certificate for any load weighed by him without having weighed the empty wagon or vehicle within

twelve hours before or twelve hours after such load was weighed, unless he has the consent of the buyer of the load. It shall be the rule that the driver of all teams be off the wagon when weighed, and it shall be the duty of the city weigher to mark on the certificate any deviation from this rule.

520 He shall report monthly to the city council an aggregate of the amount of the receipts of the city scales; and shall exhibit to said board the receipt of the city treasurer for whatever sum may be due the city.

521. The charge for weighing each and every load, or other article or thing, or measuring each load of wood, shall be ten cents to be paid by the seller.

CHAPTER XXI.

OFFICIAL BONDS.

522. The several city officers except aldermen shall before entering upon the discharge of the duties of their office give bond to the city of Monmouth in the sum hereinafter named for their respective offices, which bond shall be signed by the principal thereof, with good and sufficient securities to be approved by the city council.

523. The bond of each such officer shall be conditioned that he will faithfully perform the duties of his office and account for and pay over to the city treasurer all moneys received by him according to law and the ordinances of the city or received by him on account of or belonging to the city, and that he will turn over all other property in his possession belonging to the city to his successor in office or to other proper officer.

524. No member of the city council or officer of the city shall be received as surety on the official bond of any city officer, nor on any other bond given to the city by any other person for any purpose whatever.

525. The several city officers hereinafter named shall give bonds as herein provided, as follows:

The mayor in the sum of three thousand dollars.

The city clerk in the sum of five thousand dollars.

The city attorney in the sum of one thousand dollars.

The city collector in the sum of fifteen thousand dollars.

The city treasurer in a sum to be fixed by resolution of the city council each year, which sum shall not be less than the

amount of the estimated taxes and special assessments for the current year.

The city engineer in the sum of one thousand dollars.

The city superintendent of streets in the sum of five thousand dollars.

The city superintendent of water works in the sum of five thousand dollars.

The city inspector of mineral oils in the sum of five hundred dollars, payable to the people of the state of Illinois.

The city inspector of weights and measures in the sum of one thousand dollars.

The city weighmaster in the sum of five hundred dollars.

The city sexton in the sum of one thousand dollars.

The city marshal in the sum of five thousand dollars.

The sergeant of police in the sum of two thousand dollars.

Each policeman in the sum of five hundred dollars.

The fire marshal in the sum of one thousand dollars.

Each assistant fire marshal in the sum of five hundred dollars.

The city health officer in the sum of five hundred dollars.

The city scavenger in the sum of five hundred dollars.

CHAPTER XXII.

SALARIES, FEES AND WAGES OF OFFICERS AND CERTAIN EMPLOYES.

526. The salary, fees and compensation of said officers and other persons rendering service to the city when not otherwise specially provided for shall be as follows:

The mayor, per annum, six hundred dollars.

The aldermen, each, \$3.00 for each meeting actually attended by him

The board of health, each member shall have a reasonable compensation for services rendered.

The city attorney, per annum, six hundred dollars.

The city clerk, per annum, seven hundred dollars.

The city collector, per annum, seven hundred dollars.

The city engineer, per annum, five hundred dollars, provided that for services rendered upon public improvements

where such improvements are paid for by special taxation or special assessment, he shall receive in addition the sum of \$4.00 per day to paid out of the special taxes or special assessments collected for such improvements.

The city inspector of mineral oils, for inspecting, branding or condemning each tank of oil \$5 00, to be paid by the party requiring the inspection.

The city marshal, per annum, seven hundred dollars.

The sergeant of police, per annum, six hundred dollars.

Policemen, regular, each per annum, six hundred dollars.

Policeman, regular, janitor at court house, per annum, one hundred and twenty dollars.

City fire marshal, per annum, one hundred dollars.

Custodian of engine house No. 1 and No. 2, per annum, each, six hundred and sixty dollars.

Custodian of hose house No. 3, per annum, thirty-six dollars.

The payment of the fees and compensation of the police magistrate or any justice of the peace in all prosecutions for the violation of any ordinance of the City of Monmouth in which the costs or any part thereof shall be adjudged against said city, shall in each instance be in the discretion of the city council, provided that in no suit shall any fees be allowed unless the suit was authorized by some city officer.

City scavenger for emptying one barrel of slop not to exceed forty two gallons, 35 cents; one half barrel, 25 cents; for cleaning privy vaults \$3 00, or in case the contents exceed fifteen cubic feet at the rate of 10 cents each additional cubic foot.

The city sexton, per annum, the sum of six hundred dollars with the use of house in which he lives and all of the grass off the grounds, he to furnish a horse for use on grounds, the city to furnish cart and harness.

The superintendent of streets, per annum, seven hundred dollars.

The city treasurer, per annum, two hundred dollars.

The superintendent of water works, per annum, seven hundred and eighty dollars.

Water works engineers, each per annum, seven hundred and twenty dollars.

Weighmaster—whatever fees may be received by him in the performance of his duties, he to pay thereout for necessary fuel.

Provided, that until the expiration of the present term of office held by each officer, he shall be paid such fees or salary as is now provided by law or ordinance.

CHAPTER XXIII.

OFFICERS—UNIFORMS.

527. That hereafter the city marshal, sergeant of police, policemen on regular duty, custodians of fire apparatus whose time is fully paid for by the city, and the city sexton, shall wear uniforms in accordance with the following specifications:

528. All uniform garments for members of the police department for summer and winter wear must be warranted not to fade or change color, which must be dark blue and must be made of the following weights: For overcoats smooth finish, 26 ounces; for pants (doeskin), 26 ounces; for blouse suits, 19 ounces.

529. For city marshal: The overcoat shall be a double breasted frock coat, with rolling collar of same cloth $2\frac{1}{2}$ inches deep; two gold six point stars $\frac{7}{8}$ inch in diameter. The waist to extend to the hip and the skirt to four inches below the bend of the knee; eight buttons on each side in groups of two; two on the hip; two on the bottom of each pocket and three small buttons on the under seam of cuffs sunk; body of coat to be lined with double warp black serge, and sleeves of printed satin cloth.

530 Sergeant of police: Same as for marshal, except on the collar one gold six pointed star. The gold wreath of the helmet shall encircle the words, "Sergeant of Police," in silver letters worked on light blue cloth.

531. For regular policemen: Same as for sergeant of police, except the collar shall be without stars; two small buttons on the under seam of the cuffs sunk. The wreath on the helmet shall encircle the number of the officer, corresponding with the star number.

532. The body coat shall be a single breasted sack coat, double stitched, length to extend four inches below crotch; collar of same, cloth two inches wide and buttoned close to the chin; to be made without wadding, and to have two inside pockets in breast. Stars on collar of marshal and sergeant of police same as on overcoat. The vest, single breasted, with eight buttons placed at equal distances, and same material as coat. Pantaloon to be made of same goods as coat, to have

top and two hip pockets; the right hand pocket to be of chamois and eight inches deep; waistbands to be well stayed with linen canvas, seams of the seat to be well stayed with strong silicia. The gold wreath of the helmet shall encircle the word "Marshall" in gold letters worked on darked blue cloth. Black regulation police helmet. White stand up collar, and black necktie.

533. All uniform garments for members of fire department for winter and summer wear must be of dark blue cloth, all wool, pure indigo dyed, warranted not to fade or change its color. Coat: a double breasted, close fitting sack, cut to button within six inches of the neck, with rolling collar, to have four regulation buttons on each breast equidistant. The cuffs to be made to fit the wrist, with two small regulation buttons $1\frac{1}{2}$ inches apart, with two rows of stitching to represent cuff sleeves, to be cut only as large as is convenient to wear inside an overcoat. Two pockets only are allowed to be on the inside. On each breast, outside, a pointed scalloped flap, three inches deep at the point is required, the length of the coat to be to the finger tip in proportion to the height of the wearer, and to be lined with black worsted serge; the sleeves to have printed sateen lining; pantaloons to be of same material as coat, cut with lap seams to fit close about the waist. The vest will be considered a part of the uniform, but custodians will be permitted to dispense with it at their option, except on full dress occasions; to be made without collar, of same cloth as coat, to button within five inches of the neck, with seven small regulation buttons, and to have three plain pockets. Shirt for winter wear will be made of blue flannel and double breasted with rolling collar. Caps, blue cloth, same shade as uniform, with straight leather brim, with device of silver with the letters "M. F. D."; for summer wear such headgear as may be adopted by the chief fire marshal

534. The uniform of the city sexton shall be of cadet gray, warranted not to fade or change its color. Coat: A double breasted close fitting sack with rolling collar, to have four plain silver buttons on each breast equidistant. The cuffs to be made to fit the wrist, with three small plain silver buttons $1\frac{1}{2}$ inches apart, with two rows of black braid to represent cuff sleeves, to be cut only as large as convenient to wear inside an overcoat. Two pockets only are allowed to be on the inside. The length of the coat to be to the tip of the finger in proportion to the height of the wearer, and to be lined with serge; the sleeves to have printed sateen lining. For summer wear the coat may be of lighter material without lining. Pantaloons to be of the same material as coat, cut with lap seams to fit

close about the waist. The vest to be made without collar, of same cloth as coat, to button within five inches of the neck, with seven small plain buttons, and to have three plain pockets. The head gear will be the regulation police helmet of light color; in front a silver wreath encircling the words "City Sexton." The police star shall be worn outside the coat.

CHAPTER XXIV.

ADDITIONS.

535. Any addition which may be made to the City of Monmouth, or any lands within the same which may be subdivided and laid out into lots or blocks, shall also be laid out, surveyed and platted, so that the blocks or other subdivisions thereof shall conform to the regular blocks of the addition or additions adjoining such proposed addition or subdivision, and the streets and alleys shall correspond with, and conform to the previously established streets and alleys with which they may connect, and shall continue the same. And in addition to the requirements of the laws of the state, the plat of such addition shall show the relation of the addition to the adjoining additions already platted, and shall give in place upon it in feet and decimals of a foot the dimensions of all the lots, blocks, streets and alleys, and there shall be placed at opposite corners of each block of such addition an iron rod not less than one inch in diameter and $2\frac{1}{2}$ feet in length, driven so that the top thereof shall be even with the surface of the ground.

536. Any owner or agent of any real estate who may wish to lay out any addition or subdivision of lands within said city shall submit his map or plat of such proposed division or subdivision to the city council and obtain its approval of the same, which approval shall be certified thereon by the city clerk, and any such owner or agent who shall before obtaining such approval, sell or offer for sale or lease for any time exceeding five years any lot or block in said city or any addition thereto or any re-subdivision of any lot or block therein before he shall have obtained said approval by the city council shall be fined \$25.00 for each lot or block or part thereof so disposed of, offered for sale or leased.

CHAPTER XXV.

ANIMALS.

537. That the running or being at large within the corporate limits of said city, and the herding, grazing or pasturing upon the streets, alleys or commons of said city, of any horse, mare, ge'ding, colt, mule, ass, jenny, bull, ox, steer, cow, calf, goat, sheep, hog, shoat, pig or goose, is hereby declared a nuisance and the owner or person having charge of any of said animals, who shall suffer the same to run at large within the said limits, or who shall herd, or graze or pasture the same upon the streets, alleys or commons of said city, except as hereinafter provided, shall be fined in any sum not less than one dollar nor more than ten dollars for every animal so being at large, or grazed, herded, or pastured upon said streets, alleys or commons of said city.

538. Whoever being the owner or keeper of any goose, duck, turkey, hen or other domestic fowl, shall permit the same to run at large beyond the premises of the owner or keeper to the inconvenience of persons residing in the neighborhood, shall be subject to a penalty of not less than one dollar.

539. It shall be the duty of the city marshal by and with the consent and approval of the mayor of said city from time to time as may be necessary, to provide a pound or suitable place for the purpose hereinafter mentioned.

540. It shall be the duty of the city marshal and every police officer of the city when informed of the fact by any competent witness or by his knowledge, to take up and confine any animal found running at large within the limits of the city in violation of this ordinance, and impound the same.

541. Any resident of the city may take up and deliver to the marshal or officer in charge of the grounds where estrays are kept by the marshal, any animal above named running at large in the city. The person taking up such animal shall make and deliver to the city marshal, to be by him filed with the city clerk, an affidavit setting forth when and where such animal was taken up.

542. The city marshal shall, within twelve hours after taking up or receiving such animal or animals, leave a description of the same in the office of the city clerk, who shall make a record thereof in a book for registering estrays, and post a notice thereof at the street entrance to his office for three days, unless the owner or owners of said animal shall be sooner found.

543. All animals so taken up, while in the custody of the marshal, shall be confined in such place as may be provided therefor, and shall be properly fed, watered and cared for. The charge for such keeping, care and feed shall be, for horses, mules, asses and cattle, thirty-five cents per day for each animal, for the other animals named fifteen cents per day for each animal.

544. At any time while any such animal is in the custody of the marshal, any person entitled to the possession thereof may redeem the same by paying the marshal all charges thereon and all legal fees and costs then accrued.

545. If the owner or keeper of any such animal or animals shall not, within three days after the same has been first so posted by the clerk appear, pay the charges thereon and take the same away, the marshal shall make complaint before any justice of the peace or police magistrate in the city. Such complaint shall contain a reasonably accurate description of such animal or animals, together with the name of the owner or owners thereof, if known, or if unknown, the complaint shall so state. It shall thereupon be the duty of such magistrate if the name or names of such owners be known, to issue a summons to such owner or owners to appear and show cause why such animal or animals shall not be sold at public vendue to pay the costs and charges thereon, including the costs and charges of proceedings before such justice. Such summons shall contain a description of such animal or animals, and shall in the first instance be returnable at any time not less than two nor more than ten days thereafter; but personal service thereof shall be had at least one day before trial. The persons taking up such animals shall be notified to appear and testify at the trial of such cause. If the name or names of such owner or owners be unknown, or such summons be returned endorsed "not found," it shall be the duty of such magistrate to prepare at least three notices, substantially like the summons hereinbefore mentioned, to be directed to such unknown owner, or person not found, in which notices shall be fixed a day for trial not less than ten days from the date of issuance and posting, which shall be immediately delivered to the marshal who shall, at least ten days before said day of trial, post the same in three of the most public places in the city. Upon such trial day, if due service of notice appear, the magistrate shall proceed to hear the evidence, which shall include evidence as to the value of such animal or animals. If such taking up be found lawful, and all costs and charges be not paid, the magistrate shall render judgment against each animal for the amount of costs and charges properly taxable against the same, including the esti-

mated cost of keeping the same to the day of sale and stating the value of each animal as found by him upon the evidence. If the taking up of such animal be adjudged wrongful, or if the person who took up such animal shall fail to appear and testify at the trial, the costs of such proceedings may, in the discretion of the magistrate be taxed against the person who took up such animal. If said judgment or any part thereof shall remain unpaid on the day following, an order of sale shall thereupon issue, to the marshal, who shall proceed to sell the same at public vendue to the highest bidder for cash, first giving ten days' notice of the time and place of sale by at least three notices, posted in three of the most public places in the city, and if the value of such animal or animals, so found by said magistrate, exceed \$25, he shall also publish such notice at least once in the official newspaper. At the time and place of sale, if the costs and charges so assessed against one or more of said animals be unpaid, the marshal shall sell the same as above provided, and from and out of the proceeds of the sale of each animal shall, first, reserve and pay all costs, charges and assessments thereupon levied, and the surplus if any, to the owner or owners, if known, on request, within ten days thereafter; if the owner be unknown, or such surplus be not called for within ten days he shall pay the same to the city treasurer, who shall keep it for one year in a separate fund, subject to the order of the proper owner, and thereafter it shall be put in the common fund.

546. The fee of the marshal for taking up or receiving shall be for horses, mules, asses and cattle fifty cents each, for the other animals named twenty-five cents each; the fees of the clerk for registering and posting notices, each, thirty-five cents. The fees of justices and officers shall be as near as may be the same as in attachment cases for similar services. Such fees shall be paid only from the money received for redemption or the proceeds of sales of such animals, or collected as costs. If the amount received from the sale of any animal or collected as costs shall be insufficient to cover all fees, costs and charges, the charge for keeping, care and feeding shall first be paid and the remainder of costs, fees and charges shall be paid pro rata.

547. For the purpose of carrying out the provisions of this chapter the marshal may, with the approval of the mayor, employ one or more assistants for such time as their services may be needed and satisfactorily rendered. Such assistants shall perform such duties as may be assigned to them by the marshal in the taking up, care and custody of estray animals. Such assistants shall have while employed, police powers. The compensation of such assistants shall be the fees collected for

the taking up of animals taken up by them, and a further compensation not exceeding twenty-five dollars per month for the time in actual service.

548. The marshal shall make monthly reports to the council of all moneys received under the provisions of this chapter in relation to animals taken up running at large, and all expenses incurred in the taking up, care and custody of such animals and the proceedings connected therewith. He shall pay to the city treasurer any surplus in his hands as shown by such report. The amounts so paid together with all appropriations made by the council for the purpose shall constitute a fund for the payment of any deficiencies as shown by any monthly report.

549. Any person who shall knowingly suffer any dead animal belonging to him not killed for and proper for food; to remain within the city, or within one-half mile thereof, without being so buried as to prevent it from becoming putrid or offensive to any person residing within the city, shall be guilty of a nuisance, and shall be subject to a penalty of not less than five dollars, and in addition thereto shall be liable to the city for the cost of the removal, burial and abatement of such nuisance.

CHAPTER XXVI.

CEMETERY AND BURIAL OF THE DEAD.

550. The premises now used by the city of Monmouth as a burial ground and known as the city cemetery and situated in the northwest corner of the N. E. $\frac{1}{4}$ Sec. 29 and the southwest corner of the S. E. $\frac{1}{4}$ of Sec. 20 in township 11 N. Range 2 W. in Warren county, Illinois, and any additions which may be made thereto shall be and the same are hereby declared to be the public burial ground of Monmouth and shall be known as the city cemetery.

551. No burial or interment shall be lawful in the cemetery of the city of Monmouth nor shall any dead body be removed from said city until a permit for such burial, interment or removal shall have been first obtained from the health officer of said city.

552. Such permit shall be issued by the health officer upon his receipt of the usual certificate of death, signed by (1) the attending physician in the case; or, if none, by (2) one of the parents of the deceased; or, if none, by (3) the nearest of kin not a minor; or, if none, by (4) the resident householder where the death occurred; or, if none, by (5) any reputable citizen

cognizant of the facts and circumstances of the death; or, if the death be the subject of an inquest, by (6) the coroner or other officer holding said inquest.

553. It shall not be lawful for any burial or interment to be made at any place within the corporate limits of the city except in the cemetery belonging to the city, nor until a receipt for the cemetery fees be obtained from the city collector or in his absence, the city clerk.

554. The city collector, or in his absence the city clerk, shall issue the receipt for the cemetery fees only upon payment of the same by the person applying for the receipt, and upon presentation of the burial permit.

555. The burial permit and receipt for the cemetery fees shall entitle the person applying for the same to the services of the city sexton, and in no case shall the sexton permit a burial or interment to be made in the cemetery except upon presentation of both the burial permit and receipt for the cemetery fees.

556. The cemetery fee shall be as follows: For interment of the body of a child of nine years or under, two dollars; for interment of the body of a person of any other age, three dollars; for removal and re-interment of the remains of any person from one place to another within the cemetery, when the remains are those of a child nine years of age or under, \$4; of any other age, \$6.

And in all cases arising under the foregoing section, a receipt for the fees for removal and reinterment shall first be obtained in like manner as receipts for other cemetery fees.

557. Any undertaker or sexton, and each and every other person engaged or concerned in a burial in violation of any of the provisions of this chapter, and the officers and employes of any transportation company, or any other person or persons engaged or concerned in the removal of a dead body from said city in violation of the provisions of this chapter, shall be subject to a fine of not less than ten dollars nor more than fifty dollars for each offense.

558. The health officer shall enter in a suitable book, to be kept for that purpose, a record of all burial permits issued, and permits for removal, specifying the date of issue and to whom issued, together with all the items of information contained in the certificates upon which the issue of such permits is based; and he shall forward to the county clerk of Warren county, at the end of each month, all of said certificates so received during the month.

559. All moneys arising from the sale of cemetery lots,

from cemetery fees, and from extra work done by the sexton or under his direction shall be used for the improvement and beautifying of the cemetery grounds and for no other purpose whatever.

560. It shall be the duty of the city collector and treasurer to keep all the moneys received from such sales, cemetery fees and extra labor in a separate and distinct fund, from all other moneys, and each shall report to the city council once in each quarter the amount of said fund in his hands at the time of such report, with the amount paid out for improvements during the preceding quarter and all orders drawn on said fund shall have endorsed thereon the words "Cemetery Fund."

561. The valuation of the lots in the cemetery grounds of the city shall be determined by the city council, and a record of such valuation shall be presented to the city collector by the city clerk, and kept in a book provided for that purpose.

562. The cemetery lots shall be sold in the manner provided by the city council, at such times as they may determine, at public or private sale.

563. Deeds to such lots shall be executed by the mayor, in the name of the city, and attested by the city clerk, and shall vest in the grantees all of the title of the city in and to said lots, subject, however, to all such changes and assessments as may from time to time be made against said lots by the city council for the purpose of improving and keeping the cemetery grounds in repair.

564. The city clerk shall charge for such deeds, for the use of the city, such fees as the council may provide.

565. It shall be the duty of the city collector to procure a well bound book, in which he shall keep a record of the description of the cemetery lots, the value of each lot, the names of the purchasers, and the date of sale.

566. Whenever any person shall desire to purchase any lot subject to sale at its appraised value, he shall pay to the said collector the appraised value thereof, whereupon it shall be the duty of the city collector to execute his receipt for said purchase money, stating therein the number of the lot and the block, for which said money is paid; and on the presentation of said receipt to the mayor and city clerk, it shall be their duty to execute a deed for said lot, the purchaser paying all expenses of said deed.

567. Block seven North addition in the cemetery grounds shall be set apart as a public burying ground for the burial of strangers and indigent persons. The sexton shall, at the time

of such burials, designate the manner in which the same shall be made.

568. Lot 121, Block 9, original cemetery grounds, and Lot 11, Block 2 of the sub-division of Blocks 1 to 6 in the North addition thereto shall be and the same are hereby set apart as a burying ground of such soldiers and sailors of the wars of the United States as it may be deemed necessary or advisable to inter in such grounds.

569. No person who has not been a resident of the city for six months preceding his or her decease shall be buried in that part of the cemetery known as the public burying ground except upon the written permission of the mayor, or, in his absence, the health officer, nor without the payment to the city collector of the regular cemetery fees.

570. In all graves in the city cemetery the top of the box containing the coffin shall be at least four feet below the surface of the ground; all fencing, monuments, vaults or ornaments shall be so built and placed as not to obstruct any walk, lane, or avenue, or access thereto. Any person violating this section shall for each offense be subject to a penalty of not less than \$5.00.

571. Whoever shall wilfully or negligently destroy, mutilate, deface, injure, cut or in any manner disturb, except by consent of the owner of the property or of the authorities in charge, any tomb, monument, stone, ornament, walk, drive, fence railing, tree, shrub, flower, plant, building, structure, fixture or property of any kind in the city cemetery, or shall drive any wagon or other vehicle, or ride any horse, except in the designated driveways, or shall bring any stone to be dressed in such cemetery, or shall, without the consent of the sexton plant any shrub, vine, bush or other thing therein, or shall be guilty of gambling, or of obscene, lewd or lascivious conduct or behavior therein, or shall use profane, vulgar, obscene or indecent language therein, or create any disturbance, or be guilty of any disorderly conduct therein, shall be subject to a penalty of not less than five dollars for each offense.

572. Any person who shall dig a grave or vault in said cemetery ground, in any street or alley thereof, or upon any lot therein, without the consent of the owner of said lot, or if said lot is unsold, without the consent of the sexton, shall, on conviction, be fined not less than five nor more than twenty-five dollars.

573. Any person who shall open or in any way disturb any grave, vault, or other place for the deposit of the dead, within said ground, not being the nearest of kin to the deceased per-

son, a near relative of the deceased person, or legally entitled to disturb or open said grave, vault, or other place of deposit for the dead, except for the purpose of repairing or improving the same, shall, on conviction thereof, be fined in any sum not less than twenty-five nor more than two hundred dollars.

574. All persons must enter and leave the cemetery through the open gates, and when on the cemetery grounds, they must keep on the streets, lanes and alleys, and no person shall be permitted to go upon or across any lot of the cemetery unless he be the owner thereof, or have permission from the owner or sexton so to do; and visitors shall not be allowed upon the cemetery grounds after the hour of 8 p. m., without the permission of the sexton.

575. No minor shall be allowed on the cemetery grounds at any time except when attending a funeral or accompanied by parent, guardian or adult brother or sister, or when expressly permitted by the sexton.

576. Any person or persons guilty of a violation of any of the provisions of this chapter, for which no penalty is provided, shall, upon conviction, be fined not less than three nor more than fifty dollars for each offense.

CHAPTER XXVII.

CURFEW.

577. It shall be unlawful for any parent, or person having children under their control under the age of 15 years, to permit the same to go at large upon the streets, avenues or public grounds of the city unattended by parent or guardian after the hours of 9 o'clock p. m. during the months of May, June, July and August of each year, or after the hours of eight o'clock p. m. during the other months of the year. Any person who shall violate the provisions of this section shall be fined any sum not exceeding ten dollars for each offense; provided that nothing in this section shall be construed to prevent parents or those having children under their control permitting them to be upon said streets, avenues or public grounds in case of necessity or upon business.

578. It shall be the duty of the water works superintendent to procure a suitable whistle, different from that used to sound the fire alarm, and it shall be the duty of the engineers at the pumping station to blow one long blast upon said whistle at the hour of 9 o'clock p. m. during the months of May, June,

July and August, and at 8 o'clock during the other months of the year, and after said alarm has been sounded it shall be unlawful for any person under the age of 15 years to loiter upon or engage in any kind of amusement upon the streets, avenues and public grounds of the said city, and any person so found shall be liable to arrest and upon conviction thereof may be fined in any sum not exceeding ten dollars, for each offense.

579. It shall be the duty of the city marshal and police officers of said city to enforce the provisions of the foregoing ordinance.

CHAPTER XXVIII.

DOGS.

580. Every owner of, or person who keeps or harbors any dog or dogs within the limits of this city, shall report to the city collector annually within thirty days after the first day of May in each year his or her name and address, and shall give the name, breed, color and sex of each and every dog owned, kept or harbored by such person, and shall pay to such officer the sum of one dollar for every male dog and of two dollars for every female dog owned, kept or harbored, and shall cause such dog or dogs to be registered for license in the office of said city collector, who shall furnish the person paying the license therefor with the metal tag or check, as hereinafter provided.

581. The city collector shall keep a complete registry, in a book kept for that purpose, of all licensed dogs, describing the same by name, breed, color and sex, and shall also enter the name and address of the owner or keeper as given, and the number of the city license, tag or check. He shall also provide each and every year such number of metal tags or checks as may be necessary (the shape to be changed each year), having stamped thereon the year for which the license is issued, the letters C. D. T., and also the number of the tag or check, and it shall be the duty of the collector to deliver one of such tags or checks, numbered to correspond with the number of the registry of the dog to the person having paid the license tax upon any such dog.

582. The city collector shall annually, between the first Monday and the fifteenth day of May in each year, cause to be published in at least one of the newspapers of general circulation published in said city, and also cause to be posted gener-

ally throughout the city, printed notices notifying all persons owning, keeping or harboring any dog or dogs within the city to register the same and pay the license tax thereon at the city collector's office on or before the first day of June thereafter; but the omission to give such notice shall not excuse any person for any violation or failure to comply with any of the requirements of this chapter, or relieve any person of any liability thereunder.

583. Every dog shall be provided by its owner or keeper with a collar, to which shall be securely attached and kept the license tag or check furnished by the city collector as hereinbefore provided. No dog shall be permitted to run at large within the city, unless the owner or keeper thereof shall have caused such dog to be registered and licensed and provided with such collar and tag or check. Every dog found running at large within the city, without being registered, or without the proper metallic tag or check attached thereto, is hereby declared to be a public nuisance, and shall be abated by being taken up and impounded, and if not redeemed as hereinafter provided, shall be destroyed.

584. Whenever the mayor shall deem it necessary to insure public safety, he shall issue his proclamation by notice in some newspaper of general circulation published in the city, prohibiting all dogs from running at large within the city, unless the same shall be securely muzzled so as to effectually prevent them from biting any person or animal, and such prohibition shall continue in force until public notice of the discontinuance thereof shall in like manner be given by the mayor. Any dog found running at large in violation of this section shall be deemed to be a public nuisance and shall be taken up, impounded and disposed of as hereinafter provided.

585. Any owner or keeper of a dog who shall knowingly suffer or permit the same to run at large in violation of any of the provisions or requirements of the two preceding sections of this ordinance shall on conviction be subject to a penalty of not less than two nor more than ten dollars for each offense.

586. It shall be the duty of the city marshal and all policemen, and such other persons as may be employed to catch dogs, to take up and impound in such place as shall be provided by the mayor or by the city council for that purpose, to be known as the "dog pound," any dog found running at large within the city in violation of any of the provisions or requirements of this ordinance.

587. The city marshal is hereby authorized to employ, by and with the consent of the mayor, one or more competent per-

sons, as he may deem necessary, to have charge of the dog pound, and to aid him in enforcing the provisions of this ordinance. Such persons so employed may be vested with police power, and shall receive for their services, in addition to the fees for the redemption of dogs as hereinafter provided, such compensation as the city council may from time to time determine by resolution, the same to be paid from the money collected under the provisions of this ordinance.

588. Any dog taken up and confined in the dog pound as herein provided, may be redeemed by the owner or keeper thereof at any time within five days from the date the same was impounded, upon procuring the certificate of the city collector stating that the amount of the license tax has been paid, and paying to the pound master or party in charge of the pound a fee of fifty cents for taking up and impounding such dog, together with the costs and expenses of keeping the same, not to exceed twenty cents per day. All dogs not redeemed within five days from the date the same were impounded shall be destroyed under the direction of the city marshal and the carcass properly disposed of.

589. It shall be the duty of the city marshal to cause to be kept at the dog pound a book in which shall be recorded a complete record of all dogs impounded, giving a general description of the same, breed, color, sex and any other particulars, the name of the owner or keeper, if known, date impounded and the date released or destroyed, which book shall be subject to the inspection of the public without charge at all reasonable times.

590. Any dog for which a license has been paid, which may be impounded for being at large without a license tag as herein provided, may be redeemed on payment to the pound keeper of his charges as provided in Sec. 588 hereof, if it shall be made to appear to the satisfaction of the city collector by the affidavit of the owner or keeper thereof, or by other satisfactory evidence, that a license for such dog was procured and a collar put around its neck with the license tag attached thereto as provided in this ordinance, but that such collar or tag has been lost, and the city collector shall deliver to the person redeeming such dog a duplicate license tag to correspond with the registry, for which duplicate tag twenty-five cents shall be paid.

591. Any person causing or permitting a license tag to be attached to the collar on any dog, or causing or permitting to be attached to the collar on any dog, a tag other than that furn-

ished by the city collector for that purpose, or shall remove or take away the tag so furnished by the city collector from any dog, or shall in any manner interfere with or prevent any officer or employe from performing any duty required by this chapter, shall on conviction be fined in a sum not less than two nor more than ten dollars.

592. No dog shall be subject to molestation under this ordinance or under any order of the mayor, while on the premises of its owner or keeper, and any officer of the city or employe, who shall invade private premises to capture a dog, or who shall entice or take any dog out of the enclosure of the possessor of such dog, or who shall molest or seize any dog while being held or led by any person, or who shall bring or entice into the city any dog for the purpose of taking up or impounding the same, shall on conviction be fined in a sum not less than three nor more than ten dollars.

593. Any owner or keeper of any bitch, who shall knowingly permit or allow the same to run at large while in heat, whether she be registered or licensed as aforesaid or not, shall be guilty of a misdemeanor, and shall upon conviction be fined not less than five dollars nor more than twenty dollars for each offense.

594. On complaint being made to the mayor, of any dog within the city, which shall by barking, howling, or in any other way or manner disturb the quiet of any person or persons whomsoever, the mayor on being satisfied of the truth of such complaint shall direct a police officer to give notice thereof to the person or persons keeping, owning or harboring such dog; and in case such person or persons shall, for the space of one day after such notice, neglect to cause such dog to be removed or destroyed, so as to prevent the disturbance, he shall upon conviction be subject to a fine of not less than three dollars for every day which shall elapse until such dog shall be removed or destroyed as aforesaid.

595. Any owner or keeper of a fierce or dangerous dog, who shall knowingly suffer or permit the same to run at large, whether registered or checked as aforesaid or not, to the danger, annoyance or injury of any person, shall be subject to a penalty of three dollars for the first offense, and to a further penalty of not less than five dollars nor more than fifty dollars for any subsequent offense.

596. The word dog as used in this chapter shall be held and construed to mean all animals of the canine species, both male and female, when the sex is not stated.

597. The provisions of this chapter shall not apply to dogs owned by non-residents, in remaining temporarily, or in passing through this city.

CHAPTER XXIX.

DRAINS.

598. No person shall construct, cause or permit to be constructed, any private drain or sewer, leading into any city sewer or drain, or leading into any sewer or drain laid in any street, alley or public grounds, or leading into any sewer or drain from which matter may pass directly or indirectly into any city sewer or any sewer or drain laid in any street, alley or public ground, without a special permit from the city engineer, or superintendent of streets.

599. No such permit shall be granted unless it is proposed to construct such drain or sewer out of vitrified sewer pipe with proper traps all to be cemented firmly together when laid, and the application shall be accompanied by a plan of construction which shall be approved by the city engineer. In the construction of such drain or sewer no variation shall be made from the plan presented with the application for permit approved by the city engineer, without the approval of the city engineer of the changes proposed.

600. The construction of such drain or sewer, shall be made under the supervision of the street superintendent, and no ditch shall be filled without the consent of the street superintendent after his inspection and approval of the work.

601. When any application shall be made for a permit for the construction of any such private drain or sewer, and the connection proposed shall be through any sewer or drain owned by or constructed at the voluntary expense of any private person or corporation, the permit shall only be granted with the consent of such person or corporation, or upon condition that such compensation shall be paid such person or corporation as shall be stipulated in the permit.

602. Nor shall any such permit be granted to connect any premises with any sewer built by the city either wholly or partially by special assessment, unless such premises were assessed for the construction of such sewer, and the assess-

ment thereon duly paid except after application made to the city council, and approval by the council.

603. Any person who shall in any manner violate any of the provisions of the foregoing sections in this chapter shall be subject to a penalty of not less than ten dollars for each offense, and shall also be subject to the payment of all damages caused by such violation.

604. No person shall permit from any premises in his or her control, to drain into any city sewer, directly or indirectly, any privy vault, cesspool or place containing any noxious or offensive matter, or without being sufficiently flushed with water, any water closet or urinal, under penalty of not less than five dollars for each offense.

605. No person shall cause or permit any exhaust or waste steam to escape or be discharged, either directly or indirectly, into any city sewer or drain under penalty of not less than three dollars for each offense.

606. No person shall obstruct any city sewer, drain or pipe in any manner connecting directly or indirectly with any city sewer, by throwing or depositing in any such sewer, drain or pipe, or by throwing or depositing in any place from which such matter may be liable to enter any such sewer, drain or pipe, any sticks, stones, cloth, paper (other than toilet paper), or any solid matter not readily soluble in water, under penalty of not less than two dollars for each offense.

607. No person who shall have on any premises owned or occupied by him any sink, catch basin or other opening connecting with any drain or pipe, connected in any manner, directly or indirectly with any city sewer, shall permit the same to be unprotected by suitable covering or strainer sufficient to exclude from the sewers, drains or pipes all matters like those prohibited in the previous section, under penalty of not less than three dollars for each offense.

CHAPTER XXX.

ELECTIONS.

608. A general election for municipal officers, authorized by law or ordinance to be elected, shall be held in the city of Monmouth on the third Tuesday of April in each year, at such

places in the several wards of said city, as may be designated by the city council.

609. The city clerk shall give notice of all general or special elections, unless otherwise provided by law, by publishing an advertisement in some newspaper printed and published in said city, and by posting notices thereof at each of the voting places in the city, for at least twenty days prior to such election, in which notice he shall state the time and places of holding such election, and the officers to be elected.

610. When any person shall desire to contest the right of another to hold the office of alderman, to which such person claims the right, he shall, within thirty days after the election, file with the city clerk a statement in writing, briefly setting forth the points on which he will contest the election, which statement shall be verified by affidavit.

611. Upon filing such statement, said contestant shall also serve a copy thereof upon the person whose election he intends to contest, and in case he is absent, or cannot be found, then by leaving a copy of said statement at contestee's usual place of residence.

612. Whenever said statement shall have been filed and served as aforesaid it shall be the duty of the contestant if he desires evidence to be taken, within five days after filing such statement to file with the city clerk a notice stating that he desires to take the depositions of witnesses upon the points arising in such case, and if the contestee desires to take the testimony of witnesses upon any of such points he shall within ten days after the service of notice of contest upon him, file with the city clerk a notice that he desires to take such depositions, and thereupon and not later than the next regular meeting of the city council, the city council shall fix the time and place for taking depositions of witnesses when either party may proceed to take the testimony of any witness in the manner and as provided for taking depositions to be used in cases in chancery, before any officer authorized by law to take the same, at the time and place so fixed and continue the same from day to day thereafter until all the testimony shall have been taken.

613. In all cases of contested elections, the proofs shall be taken and filed with the city clerk as herein provided, within thirty days from the day fixed by the city council for taking the same: PROVIDED, that the council may, from time to time, upon sufficient cause shown, extend the time for taking and filing said proofs.

614. When all the evidence shall have been taken, the same shall be filed forthwith with the city clerk, who shall

immediately lay the same before the city council, and the council shall, without delay, refer the same to some appropriate committee to investigate and report upon; and upon such report being made, the council shall decide the same according to the right of the matter, and shall declare as elected the person who shall appear by the evidence to have been elected. The council may require all the testimony and proofs taken to be read in open council.

615. Whenever in case of contested election no notice shall be given by either party to take the depositions of witnesses, and the question or questions to be determined in such contest shall depend wholly upon a recount of the ballots cast at such election the city council at the first regular meeting after the expiration of the time for filing notice for taking depositions shall fix a time when said contest shall be taken up, which time shall be not later than the next regular meeting of the council, and at which time the city clerk having in his possession the ballots cast at such election shall in open session of the city council, open the same and such ballots shall thereupon be recounted in said open session of the city council and in the presence of the city clerk. That after said recounting the result as found by the city council shall be declared and by the clerk recorded and the ballots shall again be sealed up the said city clerk and retained in his possession to be disposed of according to law.

616. Whenever it shall appear in any case that the person receiving the highest number of votes is ineligible to the office because of any legal disqualification it shall, for that reason, be the duty of the city council to declare said election null and void, and immediately call a special election to fill said office.

CHAPTER XXXI.

FIRE ARMS, GUNPOWDER AND EXPLOSIVES.

617. The keeping for sale or selling of gunpowder, cartridges or loaded shells without a license therefor, is prohibited, and no license shall be issued allowing the keeping in store of more than twenty-five pounds of gunpowder at any one time, unless kept in some secure magazine or fire-proof powder-house, located at least one hundred feet from any other occupied building, and when kept in a store or place for retail, it shall be kept in tin or other metallic cannisters or cases, and in a part of the building remote from any fire, lamp, candle or burning matter liable to produce explosion, and whoever shall violate this sec-

tion, or any provision of it, shall be subject to a penalty of twenty dollars.

618. Every person licensed to sell gunpowder shall keep a sign with the words "Gunpowder and Ammunition for Sale," in plain letters, in some conspicuous place in front of the building where such powder is kept. And no sales of gunpowder, except in unopened cans shall be made after night, and any person convicted of violation of any of the provisions of this section shall be subject to a penalty of ten dollars.

619. Whoever shall bring or cause to be brought into the city any gunpowder concealed in any box or other package marked as containing other articles, shall be subject to a penalty of twenty-five dollars.

620. The carrying of gunpower through the streets or other public places in a careless or negligent manner, or the remaining with such powder in any public place longer than necessary for the transportation of the same from one place to another, shall subject the party offending to a penalty of not less than five dollars.

621. It shall not be lawful for any person to manufacture within the city limits any explosive material or compound to be used for any purpose, the manufacture of which would be dangerous to life or property, under the penalty of fifty dollars and the further penalty of twenty-five dollars for each and every day such explosive material shall be manufactured after notice to discontinue from the mayor.

622. It shall not be lawful to store or keep in any building, or other place, within the city, or convey through any street, alley or public place in the city, any dynamite, nitro-glycerine, or other explosive material or compound, other than gunpowder, unless a permit in writing for such purpose be first obtained from the mayor, under a penalty of fifty dollars for each and every offense, and a further penalty of twenty-five dollars for each and every day such explosive material, or compound, may remain stored, kept or deposited in the city.

623. Whoever shall bring or cause to be brought into the city any gunpowder or other like explosive powder or substance concealed in any box, barrel or package, or any package or case containing gunpowder or other like explosive powder or substance marked or purporting to be other than what such package or case actually contains, shall be subject to a penalty of not less than ten dollars nor more than one hundred dollars.

624. No person shall carry or convey any gunpowder, gun-cotton, nitro-glycerine, dynamite or other like explosive sub-

stance, in or through any street, avenue, alley or other public place, in a careless or negligent manner, or in any quantity not exceeding five pounds, except the same be enclosed in secure canisters, cases or kegs; nor shall remain with the same in any street, alley or other public place, longer than may be necessary for the carrying or transportation thereof from one place to another, under a penalty of five dollars in each case.

625. Any person keeping gunpowder or other like explosive material in any building within the city, shall, in writing, notify the fire marshal where in such building such powder or explosive is kept, and shall, in the event of such building taking fire, or being in danger of taking fire from any other building adjacent thereto, immediately cause said gunpowder or other explosive material to be removed therefrom, or; in case of his not being able to remove the same, he shall forthwith notify the chief of fire department or other officer in command at such fire, of the location and quantity thereof; and for any neglect or failure to comply with the requirements of this section, such person shall be liable to a fine of not less than ten dollars nor more than one hundred dollars.

626. Whoever shall, within the corporate limits of the city, fire or discharge any cannon, gun or pistol or other fire-arm, shall be subject to a penalty of not less than three dollars nor more than twenty-five dollars for each offense: PROVIDED, that the discharge of fire-arms by the members of any military company, when on parade, and in accordance with the command of their commanding officer or by any officer or other person in the performance of any legal duty or lawful act, when the same may be done without endangering the safety of any person, or the injuring of any property, shall not be deemed violations hereof.

627. Whoever shall, without permit from the mayor, set off, fire or explode any toy pistol, torpedo, fire cracker, roman candle, sky rocket, or other fireworks, or shall make or kindle any bonfire within the city, shall incur a penalty of not less than one dollar nor more than five dollars for each and every offense: PROVIDED, that the setting off or exploding of fireworks, or the making or kindling of bonfires, except upon paved streets, on the fourth day of July in any year, shall not be deemed violations of this section.

628. No person shall within the city, sell, loan or furnish to any minor, except the parent or guardian of such minor, any gun, pistol, fowling piece or other firearms, or any pistol or toy of any sort for the explosion of percussion caps, under a penalty of not less than five dollars.

CHAPTER XXXII.

FIRE LIMITS.

629. All that portion of said city described as follows, to-wit: Lots 5 and 6, block 6; lots 1, 4, 5, 6, block 7, and all of blocks 10, 11, 12 19, 20, 21 and 25, and all of block 24, except the west half of lots 6, 7, 10 and 11, original plat of the town of Monmouth, shall be known as the fire limits of the city.

630. No building or structure of any kind or description shall be erected or constructed within the fire limits of the city, except in the manner as hereinafter provided.

631. Before any person shall hereafter erect or cause to be erected, any building within the said fire limits he shall first make a written application to the fire marshal for a building permit, in which application he shall specify the nature, location, material and dimensions of the proposed building. In case it appears from the specifications in such application that the proposed building is within the provisions of this article, the fire marshal shall grant the building permit.

632. All outside and party walls shall be of stone brick or other fire-proof materials. All joists, beams or other timber in outside walls, and all wooden lintels and plate pieces shall recede from the outer surface of the wall at least four inches. All end and party walls, when the buildings are connected, shall extend above the sheeting of the roof at least seven inches, or three courses of brick, and in no case shall the plank or sheeting of any roof extend across any party or end wall.

633. No chimney shall be built with less than four-inch walls, and no chimney top shall be less than five feet above the roof (for flat roof), and two feet above the ridge of any pitched roof; flues in business buildings shall have four inch walls and eight-inch jambs; no joist or timbers in any building shall rest in, upon, or against the walls of any chimney.

634. No wooden building within the fire limits shall be repaired further than to make good the ordinary and natural deterioration, nor enlarged in area on ground, nor added to in any manner without a permit from the fire marshal; provided, no permit shall be so given whereby the fire risk may be increased, as to such structure or any other adjacent thereto; nor shall any wooden building, whether within or without said fire limits be removed to any other place within the same without like permission from the fire marshal.

635. All smoke houses and places for the deposit of ashes, within or without the said fire limits, shall be of stone, brick or other fire proof material.

636. Sheds not exceeding 12 feet in height from the ground at the highest parts thereof, and not exceeding 75 feet area, and privies may be constructed of wood; such sheds and privies shall be separate structures, and sheds shall not be located on the front part of any lot, nor shall they be used as a dwelling, or for any business purpose whatever.

637. Shelter sheds may be constructed having incombustible roofing not over twenty feet high from the ground to the highest point of roof, the roof to be supported on sufficient posts or piers. Such sheds shall have no enclosing walls or wooden floors.

638. All owners of buildings or parts of buildings erected or repaired, within the said limits in violation of the provisions of this ordinance, and all persons aiding or assisting in the erection or repair of such buildings or parts of buildings, shall be subject to a penalty of not less than twenty dollars, and not more than one hundred dollars.

639. No shingle or wooden roofs of any kind shall be placed upon any building hereafter to be constructed, rebuilt, or repaired within the "fire limits" of the city, and no such shingle or wooden roof of any kind within said fire limits shall be repaired further than to make good ordinary and natural deterioration, nor enlarged, nor added to; but all roofs constructed within said "fire limits" shall be constructed of iron, slate or other fire proof materials.

640. Whenever any frame, brick, or stone building shall have become damaged by fire or decay, the extent of which, in the judgment of the fire marshal, exceeds 50 per cent. of the value of such building, or if the building in the judgment of the fire marshal is considered unsafe to the public or the occupants thereof, on account of fire, decay, or any other cause, then the fire marshal shall have power to condemn the same.

641. If the owner or owners of such building object to the conclusion arrived at by the said marshal, he or they may file with the fire marshal a petition asking for the appointment of arbitrators to determine the question of damage to or safety of such building; or if the fire marshal should conclude that the damage is less than fifty per cent. or that the building is safe, then and in that case any three citizens may claim an arbitration to ascertain the damage to or the safety of such building.

642. In either case the party or parties asking for arbitration shall pay twelve dollars to the fire marshal on filing his or

their petition, which shall be in full of the costs of such arbitration. The arbitration to consist of three disinterested persons, one to be chosen by the fire marshal, one by the party or parties filing the petition, and the two thus chosen shall select a third, and the decision of a majority of the persons so selected shall be final and conclusive.

643. Arbitrators selected before entering upon their work, shall make and subscribe an oath before any officer authorized to administer oaths that they will make a thorough examination of the premises damaged or alleged to be unsafe as aforesaid, and make a just and true report as to the amount and extent of such damage or condition, the report to be signed in duplicate, the original to be handed to the fire marshal, the duplicate to be given to the owner of the premises in question.

644. Whenever such building shall be adjudged by such arbitrators to have been damaged by fire or decay, to the extent of fifty per cent. of its value, or adjudged to be unsafe, such building shall be condemned by the fire marshal, and it shall be unlawful, as aforesaid, to repair or use the same.

645. Whenever the owner, agent, or occupant shall refuse or neglect, after five days' notice to petition for such arbitration, it shall be lawful for the fire marshal to declare such premises as set forth in such notice, as having in his judgment been damaged by fire or decay to the extent of fifty per cent. of its value; or unsafe as the case may be.

646. The fire marshal shall be ex-officio the inspector of buildings, and shall do and perform all acts and things necessary to have the provisions of this chapter enforced. He shall keep a register of all building permits granted, and report the same to the city council annually. All notices under the provisions of this chapter may be served by the city marshal, or any police officer.

647. Any person or persons, company or corporation violating or refusing to comply with the provisions of this chapter to which a penalty is not otherwise provided, shall be liable to a penalty of not less than ten nor more than one hundred dollars; and also shall be liable to a like additional penalty for every forty-eight hours they shall continue to violate or refuse to comply with the said provisions after receiving proper notice of the same.

648. For the failure, neglect or refusal to enforce the provisions of this chapter the fire marshal shall be liable to a penalty of not less than one nor more than twenty five dollars.

CHAPTER XXXIII.

FIRE PROTECTION.

649. The mayor, fire marshal, and chairman of the fire committee of the council shall constitute a board of fire commissioners. The city clerk shall be clerk of said board, and the city marshal shall execute all orders of and serve all notices issued by the board. The services of the members of the board as such, and the clerk and marshal as officers of the board, shall be rendered without extra compensation.

650. A majority of the board of fire commissioners shall constitute a quorum, and it shall be their duty to provide for the proper inspection of all buildings now erected or hereafter to be erected within the fire limits, and enforce the ordinances of the city, prescribing rules of construction designed for protection from fire.

651. Whenever the board of fire commissioners shall find any building not constructed, arranged and provided as required by the ordinances of the city or the regulations established by such board thereunder, or that any building is about to be erected, arranged and equipped without conforming to such ordinances and regulations, the board shall require in writing the person or party in charge of such building to make the proper alterations in the plan of construction, arrangement and equipment of such building, in such reasonable time and manner as said board shall specify, and forbidding further progress in the work except in compliance with such order.

652. Any person who shall proceed with the construction, arrangement or equipment of any building in violation of the ordinances of the city, and any person who shall, after being served with the order of the board of fire commissioners, neglect or refuse, within reasonable time after such service, to make the alterations in such building required by such board according to the provisions of the ordinances of the city, shall be subject to a penalty of not less than ten dollars for each offense and of five dollars for every day's delay in complying with the orders of the board.

653. It shall be the duty of the fire marshal of the fire department at stated times, at least twice in each year, to detail a member of said department to make a careful personal examination of each chimney and chimney flue of each building within the fire limits, and upon the spot note in writing in a book to be furnished him by the clerk for that purpose, the date of such examination, the number and location of chimneys

in each building; number of flues in each, size and construction of each chimney, stating specially in what condition, as to absolute security from danger, each was found; and if defective, from what cause, and how, what changes and repairs, if any, are needed to make the same absolutely safe. Such examination shall be by blocks, commencing at northeast corner and going round with the sun. Each report book shall be promptly returned to the fire marshal, who shall carefully note therein the date of its receipt, and place and keep the same on file for convenient reference. Upon the receipt of such report the fire marshal shall thereupon draw a list, by blocks of all buildings so reported as needing attention, and within five days from receipt of such report the board of fire commissioners shall personally examine each such building and chimney contained in the list, determining as to each, and noting upon the list what changes and repairs as to chimneys and flues each building requires, and in writing order the owner and occupant promptly to make and cause such required changes and repairs to be made, noting such order upon the list with date thereof. Failure to comply with such order within ten days after service of such order shall subject the offender to a fine of not less than five dollars and to a like penalty for each day's further delay.

654. Upon complaint or statement in writing by any reputable resident to the board of fire commissioners that there is reason to doubt the probable safety of any building or chimney, or any fire place or stove, or other apparatus for conducting heat or smoke in any building, whether within or without the fire limits, whether already built or in process of construction, the board shall at once examine the same, and if they deem it unsafe or dangerous they shall forthwith in writing notify the owner or person in charge of the same of such defect or faulty construction, state in just what it consists and what change is required, ordering such person or persons within some short time to be named in such order to remedy such defect. Failure or refusal to comply with any such order, within the time named therein shall subject the offender to a penalty of not less than ten dollars for each offense, and a like penalty for each day's further delay.

655. It shall not hereafter be lawful for any person to erect or use any stove or stove pipe in the city except in accordance with the following provisions: No part of any stove pipe shall be placed or suffered to remain within the distance of three inches of any wood or wood work whatever. Every stove pipe in its passage through any ceiling, floor, partition wall or roof shall be secured in its position at every such passage by plates of tin or iron, or by means of cut stone or earthenware

safes, and all horizontal pipes or portion of pipes not perpendicular shall be supported by wires or other proper supporters so as to prevent all danger of the falling of such pipes. No stove pipe shall terminate or discharge at any distance less than three feet of the roof or any wood work of any other building, nor discharge toward any building so as to endanger the same, nor into any street or alley.

656. All buildings of three or more stories in height shall be provided with one or more metallic (iron) ladders, with stand pipe hose attached (of three inch calibre) extending from within ten feet of the ground or walk to the roof, with proper caps or cases, and supplied with at least fifty feet of two and one-half inch hose, attached and attachable at the top of stand pipe. The numbers, location and construction to be under direction of the board of fire commissioners.

657. All doors of public halls, theaters, hotels, churches, seminaries, school buildings or other rooms, wherein crowds of people assemble, shall be made to swing outward, and no chairs, stools, or seats of any description shall be placed or permitted to remain in or across the lobby, aisles, or passage-ways, in any theater, hall, or other public building, when the same is occupied by the public.

658. Every theater, public hall, hotel, seminary and school building shall, within thirty days after notice by the board of fire commissioners, be provided with fire extinguishers, in such number and of such size and capacity as may meet the approval of the board of fire commissioners.

659. The fire marshal shall detail two efficient firemen of the city fire department to attend at each theater and public hall during every public entertainment therein, and remain on duty there during and until the audience passes out at the close of such entertainment. It shall be the duty of such firemen to see to it that all fire preventing and fire extinguishing apparatus provided for such hall or theater is at all times in good working order and condition. The fire marshal may temporarily withdraw such firemen from the building in case he requires their services elsewhere.

660. No stairway to any theater or public hall hereafter to be erected shall rise more than ten feet without a platform, and no winders, wheeling or circular steps shall be used. Each stairway and passageway shall have a strong hand rail on each side thereof through its entire length.

661. Every theater or public hall hereafter to be erected with accommodation for five hundred or more persons shall have at least two separate and distinct exits, to be as far apart

as may be found practicable, those accommodating seven hundred or more persons shall have at least three separate and distinct exits. The exits from all galleries shall be independent of and separate from the exits of the main floor. The egress, openings and stairways shall in no case be less than five feet wide nor aggregate a less proportion than eighteen inches for each one hundred persons such theater or public hall may accommodate.

662. No hotel or other building more than two stories in height shall be used for lodging persons or used as lodging rooms above the second story thereof, unless and until each floor is provided with at least two stairways of such width as the board of fire commissioners may determine, safely and substantially constructed and kept, affording safe and convenient means of exit from such building at all times. Such stairways shall be situate as nearly as may be at opposite ends of such building with especial regard to safe egress of all persons in such building in case of fire and at all times.

663. Every lodging room above the second floor in any building shall, previously to being occupied as such, be provided with a good and sufficient rope of not less than one-half inch in diameter, at all times firmly attached to a beam, post or timber in the room, and of sufficient length to reach from the window of such bed room to the ground or walk beneath, and so looped or knotted as in the judgment of the board of fire commissioners shall furnish safe escape for the person or persons lodging in such rooms in case of fire.

664. The keeper of each building occupied as a hotel or lodging rooms, capable of accommodating fifty or more persons, shall at all times keep in his employ a night watchman constantly on duty in such building, under such regulations as may from time to time be established by the board of fire commissioners.

665. No person shall keep ashes in any wooden vessel or on any wooden floor, or deposit any ashes uncovered in or near any building not fire proof, or near any combustible material, or in any street or elsewhere in the inhabited parts of the city until every particle of fire is extinguished.

666. No person shall stack or deposit hay, straw or other like combustible materials, not in any enclosed stable or building, and within fifty feet of any dwelling house or building where fire is kept, or shall strew or leave shavings, straw, paper, or other like combustible materials around or near to any building or property likely to burn, or in any passage way, or

unoccupied room, in any office or apartment building, or shall set fire to or burn on the open ground, and near to any building or dwelling, any shavings, straw, paper, rubbish or other combustible materials, or shall leave any fire on the open ground unextinguished after night, or shall boil any pitch, rosin, tar, oil, or other inflammable liquid or substance, except in some secure and safe building, duly protected against the danger of fire, or if in the open air, at least thirty feet from any building likely to burn, or burn out any chimney or flue, unless when raining, or when roofs and ground are covered with snow.

667. No person shall negligently, carelessly or willfully make, kindle or leave any coals of fire on any planked sidewalk or crossing, or any fire in the open air or exposed place, or carelessly or negligently carry burning coals or other matter from which the flying sparks may be liable to do injury or set fire to other things; or shall leave, deposit or use any hot ashes or other dangerous or combustible or inflammable thing or material, or carry any light not protected by a secure lantern into any stable or building containing straw or other combustible material, or any lighted lamp, candle, gas light or burning matter at such a time or in such a manner as to cause or endanger injury to any building or property thereby.

668. Any person violating any of the provisions of Sections 655 to 667 inclusive of this chapter, shall be subject to a penalty of not less than three dollars for each offense.

CHAPTER XXXIV.

GASOLINE, NAPHTHA, ETC.

669. No person, persons or corporation shall keep or store within the city of Monmouth, any gasoline, coal oil, petroleum or any of its products in any greater quantity in one building than two barrels or tanks of fifty gallons each, without first obtaining a permit as hereinafter required.

670. Not more than one barrel or tank of fifty gallons each shall be allowed in any building, except all above one barrel shall be kept in a cellar; the floor of which shall be at least five feet below the grade of the adjacent street, unless it be a building kept under a permit.

671. No gasoline, coal oil or petroleum, or any of its products shall be kept or stored in front of any building, nor in, nor

on any street or alley, lot or sidewalk for a longer period of time than sufficient to receive in store or deliver the same; said time not to exceed six hours.

672. If any person, persons or corporation shall desire to store or keep any gasoline, coal oil, petroleum or any of its products in any greater quantity than two barrels or tanks of fifty gallons each they shall apply to the city council for a permit, under the regulations hereinafter provided. All applications for permits shall be in writing, and shall state the place where it is proposed to store the oil, the character of the oil to be stored, and the quantity of each kind, the size and character of the vats or receptacles in which it is to be placed; the size and nature of construction and material of the building in which it is to be kept.

673. Benzine, benzole, gasoline or naphtha kept for retail shall be sold by daylight only, and shall be kept in a tin can or other metal vessel. Kerosene may be retailed at night. In such case the cask from which it is drawn must be at least 10 feet from any light.

674. Any person violating any of the provisions of this chapter shall, on conviction thereof, be fined in a sum not exceeding fifty dollars and cost for each and every offense; and every day that any of said oils or substances are kept or stored contrary to the provisions of this chapter shall be deemed a new and distinct offense. It is hereby made the duty of the city marshal, the fire marshal and all police officers to see that the provisions of this chapter are enforced.

CHAPTER XXXV.

GRADES.

675. That the permanent grades of streets and alleys in the city of Monmouth hereinafter fixed are referred to a plane as the base or datum for all city elevations. Said plane is referred to an iron shaft near the center of the public square in the city of Monmouth, the elevation of the top of said shaft being 768 feet and 734 one thousandths of a foot above the level of the sea at mean tide at Biloxi, Miss., and 700 feet above said sea level is adopted as the datum plane.

676. This plane is also referred to permanent bench marks located as shown by the "Report on a permanent grade

system, City of Monmouth, Ill.," made by J. F. Wallace, consulting engineer, March 2, 1891, to the committee on streets and alleys of the city of Monmouth, and having been approved and adopted by the city council of the city of Monmouth by ordinance passed on the 6th day of April, 1891, and approved April 10, 1891. Such bench marks referred to in said report being generally a railroad spike driven in the trunks or roots of certain trees at or near the ground line. This plane is also referred to by "Revised grade map B of the city of Monmouth," dated July, 1900, by J. Ed. Miller, engineer; said revised map being now on file in the office of the city engineer.† The figures mentioned in the said revised map are in feet and decimals of a foot above datum plane, and are hereby established as the grades on the center of street intersections and other points designated on said revised map. All inclinations or grades between successive points established by this ordinance and indicated on said revised map B are to be straight lines.

CHAPTER XXXVI.

HACKMEN AND DRAYMEN.

677. Licensed hackmen and draymen shall, at all reasonable times when requested, and the proper charges are tendered carry with care and dispatch all such passengers or goods as may be offered them respectively, and for any failure or refusal to do so, such hackman or drayman shall be subjected to a penalty of not less than five dollars, nor more than fifty dollars.

678. The owners of hacks, drays and other vehicles, licensed to carry persons or goods, and all persons taking out license therefor, shall be responsible for all baggage, goods, wares, merchandise or other property delivered to their care, or into the care of any driver or person having charge of any such hack, dray or other vehicle.

679. Every driver or person in charge of or soliciting passengers for any hack or other vehicle carrying persons for hire, shall wear in plain sight a badge with his license number and the word "Hackman" engraved thereon, so that such number and words may be easily seen and read.

680. All drays, wagons, carts, carriages, hacks, omnibuses or other like vehicles subject to license hereunder, shall have a number, to be furnished by the city clerk, placed in some conspicuous place on such vehicle, and such carrier of person or of goods shall transport persons or goods to any part of the city with promptness and care, for the rates of fare fixed by the city council. And for any violation of their duties in that respect, such carrier shall be subject to a penalty of not less than three nor more than fifty dollars.

681. Licensed hackmen may charge and receive for carrying persons for any distance within the city for each person 25 cents, but no charge shall be made for conveying children of 10 years or under accompanying parents or others. Every passenger shall be allowed to have conveyed upon such vehicle without charge his ordinary traveling baggage not exceeding in each case one trunk and 25 pounds of other baggage. For every additional package where the whole weight of baggage is over 100 pounds, the owner or driver may be permitted to charge 15 cents.

682. Whenever any article of baggage or package of goods shall be left by any person in or upon any licensed hack, hackney coach, omnibus, dray, wagon, or other vehicle for the conveyance of passengers, goods or baggage, within the city, or when any such article or package shall be left in the care of the driver or runner of such vehicle, such driver or runner shall, upon the discovery thereof, forthwith deliver the same at police headquarters into the hand of the officer on duty there, unless such article or package shall be sooner delivered by him to the owner or person entitled to the possession thereof. Any driver or runner of any such vehicle neglecting or refusing to comply with any provision of this section shall forfeit and pay a penalty of not less than one dollar nor more than ten dollars in each case.

683. Every person procuring a drayman's license shall forthwith cause the name of the owner and number of the license to be plainly affixed in letters at least one and one half inches in length, in a conspicuous place on the outside of each side of the vehicle licensed, and shall keep the same plain and distinct at all times when such vehicle is used during the continuance of such license or its renewal, and upon the expiration thereof shall immediately cause the said number to be removed from such vehicle and no longer allow such vehicle to be used with said number thereon. No person shall use or permit to be used any vehicle with a license number thereon unless a license has been issued and remains in force therefor.

684. All licensed hacks and other vehicles all the time while used in soliciting and carrying passengers to and from show ground, park, camp meeting ground, fair ground, race track, ball ground, shooting ground or other similar place, where any amusement, recreation, meeting, exhibition, fair, races, ball game, shooting match, show, circus, menagerie, political assemblage or other public gathering is being had, shall have posted on the outside of each side of such hack or other vehicle a conspicuous placard, which can be easily and readily read from the sidewalk as such hack or vehicle is passing along the street, stating in plain figures and letters the rates charged for carrying passengers to and from the place to which such hack or vehicle is running, and no passenger shall be charged more than the rate on such placard, nor more than any smaller rate by any driver or other person connected with such hack or vehicle, agreed upon or called out in soliciting passengers therefor. Any omission to comply with or violation of any provision or requirement of this section shall subject the owner, driver or other person having charge of such hack or vehicle or collecting the fare, or any or all of them permitting or participating in such omission or violation, to a fine of not less than five dollars for each offense.

685. Licensed draymen may charge for carrying articles including the loading and unloading thereof, the following rates:

For each parcel or package weighing not more than 200 pounds, 20 cents; for parcel or package weighing over 200 pounds, 30 cents; for hauling any load a distance of six blocks or under, 25 cents; for greater distance, 40 cents; for moving pianos, safes or other goods requiring special apparatus or special care over and above the care required for that of household goods, or requiring the services of a helper, or for services other than loading, hauling and unloading, additional charges may be made by fixing the same before doing the work.

686. Hackmen and draymen shall at all times keep posted in a conspicuous place in their vehicle so as to be easily read, a printed copy of this chapter for the inspection of any person desiring to or employing them, and shall on request exhibit the same to such person or any officer of the city.

687. For any overcharge for services or any violation of any provision, or failure to comply with any requirements of this chapter by any licensed hackman or drayman, the person so offending shall be subject to a penalty of not less than three dollars.

CHAPTER XXXVII.

HEALTH.

688. No person shall permit or have any offensive water or other liquid or substance on his premises or grounds to the prejudice of life or health, whether for use in any trade or otherwise.

689. No person shall throw into or deposit in any vault, sink, privy or cesspool any offal, meat, fish, garbage or other substance, except that of which any such place is the appropriate receptacle; nor shall any slops or kitchen waste be permitted to run into any privy or cesspool.

690. No person shall hereafter build, maintain or use any privy or privy vault within the city, unless the same be at least six feet from the line of the adjacent lot, or fifteen feet from the line of any public street, or two feet from any alley, and at least twenty feet from any dwelling house that may be upon the adjoining lot, unless the owner of the adjoining lot shall agree that the same may be so built, maintained or used, and all such vaults shall be not less than four feet deep, and shall be securely and substantially walled and so constructed as to be easily cleaned.

691. When any noxious or offensive odors are emitted from any privy, it shall be the duty of the owner, his agent or the occupant of the premises, to disinfect said privy without delay and to cleanse it, so as to prevent a recurrence of such odors. The marshal or the health officer of the city, may, upon complaint being made to him, order the owner, his agent, or the tenant, to disinfect and cleanse the said privy forthwith. If such order is not complied with within twenty-four hours, the officer shall proceed to have the said privy disinfected or cleaned, and the owner or the tenant, or both, when the order has been given to both, shall be liable for all the expenses thereby incurred, and a civil action may be instituted for the recovery of such expenses. In addition thereto, such person or persons shall be liable to a fine for a violation of this ordinance.

692. No meat, fish, birds, or fowls, or other substances or thing not being then pure, healthy, fresh, sound and wholesome for human food or drink, nor any meat or fish that died by disease or accident, shall be brought within the city or offered or held for sale in any public or private market as such food anywhere in said city or within one-half mile of the limits thereof.

693. No calf, pig or lamb, or the meat thereof, shall be brought, held, or offered for sale as food in said city, which at

the date of its death (being a calf) was less than eight weeks old: or (being a pig) was when killed less than five weeks old; or (being a lamb) was when killed less than eight weeks.

694. No person shall have at any place where milk, butter, or cheese is kept for sale, nor shall at any place sell or deliver or offer or have for sale or keep for use, nor shall any person bring or send to said city, any unwholesome, skimmed, watered, mixed or adulterated milk, or milk known as "swill milk," or milk from cows or other animals that for the most part have been kept in stables or that have been fed on swill, or milk from sick or diseased cows or other animals, or any butter or cheese made from any such milk or any unwholesome butter or cheese.

695. Every butcher, keeper of meat market, grocer, milkman and their clerks or agents shall allow the board of health or any member thereof, or any person authorized by the board to freely and fully inspect their cattle, meats, milk, fish, fruit and vegetables held, offered or intended for sale, and shall answer all reasonable questions in relation to the condition thereof, and of the places where such articles may be. And any person violating this section shall be subject to a penalty of not less than five dollars.

696. No cattle shall be kept in any place of which the water, ventilation and food are not sufficient and wholesome for the preservation of their health, safe condition and wholesomeness for food.

697. Any person having an animal past recovery, or in an offensive condition, or sick with an infectious or contagious disease in said city, and every person whose animal, or any animal in his charge or under his control in any street or place, may die or become or be in a condition past recovery, shall at once remove or cause the removal of such animal, dead or alive, to some proper place; and when such place may be designated by the city council, to the place so designated.

698. No building, vehicle, structure, receptacle or thing used or to be used for any purpose whatever, shall be made, used, kept, maintained or operated in the city, if the use, keeping, maintaining or operating of such building, vehicle, structure, receptacle or thing shall be the occasion of any nuisance, or dangerous or detrimental to health.

699. Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists any of the provisions of this chapter, or who refuses or neglects to obey any of the rules, orders, or sanitary regulations of the department of health, or who omits, neglects, or refuses to comply with, or who resists any officer or order or special regulation of said

department of health shall, upon conviction, be subject to a fine of not exceeding two hundred dollars, nor less, than two dollars for each offense.

CHAPTER XXXVIII.

HOUSE MOVING.

700. No person shall move or cause to be moved any building into, along or across any street, avenue, alley or public ground in the city, without first obtaining a written permission from the mayor.

701. Such permission shall particularly set forth the route to be taken in moving such building, and the route shall be determined so as to cause the least interference with public use of the streets and the least danger of injury to public or private property. No variation from the route so fixed shall be made, without further written permission from the mayor.

702. The work shall be diligently prosecuted continuously in the day time until completion, and for the protection of the public warning shall be given by the display of red lights at night.

703. The building shall at no time be left standing where it may cause any obstruction to streets at intersections, to railroad tracks, to street car lines, or to any electric wires lawfully occupying the street. Due care shall be taken to avoid injury to streets, sidewalks, shade trees, railroad tracks, street car tracks, poles, electric wires, and all public and private property.

704. The person in charge of such work shall at the close of each day notify the fire marshal of the situation of such building, and if the work will be continued in the night. He shall give proper notice to the managers of all railroad lines, street car lines and lines having electric or telephone wires, of the route assigned to him and the time when the building moved by him will approach such lines, and arrange the passage of such building so as to secure the least interference possible with the operation of such lines. He shall pay to the managers of such lines such sum of money as the mayor may direct on account of the cost to such managers of removing or protecting any poles, wires or other fixtures which may be interfered with by the passage of such building.

705. The permission of the mayor for such work shall not be given unless the party applying therefor shall first execute

and file with the city clerk a good and sufficient bond, with one or more sureties, approved by the mayor, conditioned for the full compliance by the person to whom such permission is given with all the provisions of this chapter, and for the payment by him of all penalties incurred by him, and all damages to public and private property or interests for which he may be found liable.

706. Any person who shall violate any of the provisions of this chapter shall be subject to a penalty of three dollars for each and every violation thereof, and shall also be liable for all damage done to public or private property in the prosecution of his work or in consequence of any delays in the performance thereof.

CHAPTER XXXIX.

HOUSE NUMBERING.

707. The numbering of all houses fronting upon the public streets, avenues and thoroughfares, within the city of Monmouth, shall be in conformity with the system, and the rules following:

708. Main street shall be the base or dividing line for numbering houses on all streets or avenues running east and west, and Broadway shall be the base or dividing line for all streets or avenues running north and south.

709. All streets and avenues running north and south and crossing and being north of said Broadway, shall be designated by the prefix north, and the portion of all streets and avenues crossing and being south of said Broadway, shall be designated by the prefix south. All streets and avenues running east and west and crossing and being east of Main street, shall be designated by the prefix east, and the portion of all said streets and avenues running east and west and crossing and being west of said Main street shall be designated by the prefix west.

710. The first number on each side of Broadway shall be 100 and progress north and south therefrom at the rate of one hundred numbers to each block as nearly as practicable. The first number upon each side of Main street shall be 100 and progress east and west therefrom at the rate of one hundred numbers to each block as nearly as practicable.

711. The odd numbers shall be used upon the east side of all streets and avenues running north and south in the city of

Monmouth, and upon the south side of all streets and avenues running east and west in said city. The even numbers shall be used upon the west side of said streets and avenues running north and south, and upon the north side of all said streets and avenues running east and west in said city.

712. It shall be the duty of the city engineer, in pursuance of the foregoing sections, to establish and assign all house numbers on the streets, avenues and thoroughfares of the city. and in so doing he shall keep in view the necessity of having the numbering in general as nearly uniform as possible, and he shall prepare the necessary records of the numbers so assigned by him and said records shall be evidence of such numbers; and he shall on demand furnish each owner or occupant of a house, or such person as may be employed in numbering the houses or buildings, with the necessary information as to the number belonging to each house, and all numbering shall be strictly in conformity with the directions and regulations of said city engineer, the figures of said numbers to be not less than three inches in length.

713. All owners or occupants of houses now erected or which may hereafter be erected within said city, are hereby required to number their houses in conformity with the provisions of this chapter, and the regulations of the city engineer in pursuance thereof. And any owner or occupant of any house now erected, or hereafter to be erected who shall fail or refuse to number said house as aforesaid, within ten (10) days after receiving notice from the city engineer to number said house or who shall number any house otherwise than in conformity with the provisions of this ordinance and the regulations of the city engineer shall on conviction thereof be fined not less than one, nor more than five dollars for each offense.

CHAPTER XL.

INSURANCE COMPANIES AND AGENTS.

714. That all corporations, companies and associations, not incorporated under the laws of this state, which are engaged in the city, in effecting fire insurance, shall pay to the treasurer of the city, on or before the fifteenth day of July of each and every year hereafter, two (2) per cent. of the gross receipts or premiums received by such company, corporation or association, or their agent or agents, for business effected or transacted for fire insurance within the said city, for the last year ending July 1st preceding said dates.

715. That every person acting as agent or otherwise for or upon behalf of such corporation, company or association, in soliciting or effecting insurance, shall on or before the 15th day of July for each and every year hereafter, render to the city clerk a full and just account, verified by oath of all premiums which during the year ending on the first day of July preceding such dates shall have been received by him or any other person for him in behalf of such company, corporation or association, and shall fully and specifically set out in such report the amount or amounts so received for such fire insurance. And that said agent or agents shall also at the time of making such report, pay the treasurer of the city the sum of two (2) per cent. upon the gross receipts of such corporation, company or association, obtained as such premiums for effecting fire insurance in the city as specified in Section 1 of this ordinance.

716. If such account be not rendered on or before the day herein designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association so in default to transact any business of insurance in the city, until the said requisitions shall be fully complied with.

717. That any and all sums so received under this ordinance shall be kept as a separate fund for the maintenance, use and benefit of the fire department of the city.

CHAPTER XLI.

LICENSES.

718. In addition to the licenses otherwise provided for by ordinance, the following persons, before carrying on or exercising, either directly or indirectly, their business within the limits of this city, shall first procure a license therefor, viz: auctioneers, brokers in grain provisions or stocks, carettes, draymen, hackmen, itinerant merchants and transient venders of merchandise, keepers of gunpowder cartridges or loaded shells, keepers of second hand stores, junk dealers, pawnbrokers, peddlers, (except peddlers of meat, milk, bread, vegetables or fruit), sanitary plumbers, also shows, circuses, menageries, side shows, museums, theatres, opera houses, skating rinks, merry-go-rounds, circular swings and other similar devices, and all other places of public amusement; public scales, also all public concerts, lectures, theatricals and other exhibitions, amusements, musical performances and entertainments in any

building other than a duly licensed theater or opera house, and not given solely for the benefit of some literary, scientific, religious or charitable organization of this city. Every person violating any of the provisions of this section shall be subject to a penalty of not less than five dollars for each offense; and where the act or business requiring license is continuous from day to day, each day's continuance of such business without license shall be considered a separate offense; provided, that for circus or menageries or theatrical exhibitions under canvass and out of doors, the penalty shall not be less than fifty dollars for each offense.

719. Every person engaged in any business, occupation or pursuit, required to be licensed under the provisions of this ordinance or the laws of this city, shall register with the city clerk his name, residence, occupation or business, and the place where the latter is, or is to be carried on; and in the case of a company or firm, the names of the persons composing the same shall also be registered.

720. All persons, whether acting as clerk, agent, servant or otherwise, in the doing of any business for which license is required, who shall knowingly engage therein or do any such acts, unless their principal has license therefor duly granted, shall be deemed equally guilty as the proprietor or employer of such agent, clerk or servant, and subject to the penalties provided in this chapter.

721. Nothing in this chapter shall prevent any farmer, fruit or vine grower or gardener from selling the produce of his farm, orchard, vineyard or garden on the streets, or from house to house, without license; provided, that nothing herein shall be construed to permit the sale of spirituous, vinous, malt or fermented liquors. And provided further, that nothing in this chapter contained shall authorize any person other than such a farmer, fruit and vine grower or gardener to peddle such commodities within the city.

722. No license granted under this chapter shall extend longer than the first Monday of May next after the same is issued; and quarterly licenses shall expire on the last days of July, October and January and first Monday in May of each and every license year. No license, other than yearly licenses, shall be granted for less than the periods mentioned in fixing the fee therefor; and no license shall be granted when a yearly rate only is mentioned, except for one year or the unexpired portion thereof, beginning on the first day of the quarter in which application is made for such license; but no such license shall be granted for a less period than one quarter.

723. No license shall be granted to any person who is not, at the time application is made therefor, a person of good moral character and no license shall be issued until the collector's receipt for the license fee shall be delivered to the clerk, and all licenses shall be signed by the mayor and countersigned by the clerk.

724. Licenses, except licenses to auctioneers and peddlers, may be granted to two or more persons doing business as a firm or partnership in which case each partner shall become alike bound in all the obligations and duties imposed by this chapter. PROVIDED, that if more than one kind of business or pursuit hereinbefore mentioned shall be carried on by the same person or firm at the same time a separate license fee shall be paid for each according to the rate prescribed.

725. All licenses shall be subject to all ordinances in relation to such licenses which may be in force at the time of issuing the same, or made subsequently; and if any person licensed shall violate any provision of any ordinance in relation to his license, or sell any immoral or pernicious publication or article, or conduct his business in a disorderly or offensive manner, or in such manner as to violate any ordinance of this city, his license may be revoked in the discretion of the mayor or city council; and the party licensed may be proceeded against for such fine or penalty as may be incurred by reason of such violation. No license shall be assignable or transferable except by permission of the mayor first endorsed thereon; nor shall any person be permitted to act under one license at more than one place at a time, or at any other than the place named, unless so expressly mentioned in his license.

726. The mayor shall decide upon all applications for license, except licenses to keep a dram shop and wholesale liquor dealers license, and except where otherwise specially provided by ordinance, and grant or reject the same; but it shall be his duty to grant all such applications where the same are in accordance with law and the ordinances of the city, and the applicant is of lawful age, of good moral character, and is qualified according to law and the ordinances of the city to receive the same; and the mayor shall have power to revoke any license so granted by him for a violation of law or the ordinances of the city, or for gross misconduct on the part of the licensee; provided, that the party whose license is revoked may appeal to the city council at the next regular or special meeting, when if a majority of all the members elect to the city council shall so vote said license shall again become valid and of full force.

727. Licenses granted under this chapter shall not be con-

strued as permission to locate any stand upon or otherwise obstruct any street or public place in the city or to stand with any cart or other vehicle or device for carrying or holding goods or other articles upon any street or public square unless so expressly stated therein. This section shall not prohibit the ordinary use of the streets by peddlers in going from place to place and house to house; and stopping to make individual sales upon their route.

728. All persons selling from house to house or peddling, either with or without a license or permit, within the city, ice, meat, fish, milk, vegetables, fruit or other articles, by weight or measure, shall in such sales use only weighing devices or measures tested and sealed as correct by the city sealer of weights and measures, so that every person buying by such weighing device or measure may by inspection readily ascertain that such weighing device or measure is so sealed, and any person so selling who shall in making or attempting to make a sale use other than such sealed weighing device or measure, or after its sealing alter the same, or use the same after it has been altered, or use any shift, scheme or device to give short weight or measure, shall be subject to a fine of not less than three dollars for each offense.

729. Any person who shall cry at auction (excepting judicial sales) any goods, wares, merchandise or personal property shall be deemed an auctioneer. License to auctioneers shall be of two classes and designated as first and second class. License as a first class auctioneer shall not include the right to cry for sales in an auction store and license as a second-class auctioneer shall include the right to cry for sales in auction stores. Any person (whether having a license as a first-class auctioneer or not) who shall act as a second-class auctioneer without license as such shall be subject to a fine of not less than ten dollars for each offense, and each day's continuance to act without a license shall be considered a separate offense.

730. Every person who shall by wagon, dray or other vehicle carry goods within the city for hire shall be deemed a drayman. Every person who shall by wagon, carriage, omnibus, hack or other vehicle, carry persons within the city for hire shall be deemed a hackman.

731. The terms itinerant merchant and transient vendor of merchandise, as used herein, shall be construed to mean any person or persons not permanently transacting business within the city, or whose stock in trade shall not have been legally assessed for taxation in the regular annual assessment of other property in said city for state, county and city purposes.

732. Hawkers are hereby prohibited within the city and any hawker plying his vocation within this city shall be fined not less than three dollars.

733. The following license fees shall be paid the city collector for licenses, when the same are issued for the periods mentioned, or a proportionate sum, not less than one quarter's fee, when a yearly rate only being mentioned, the license is granted for the unexpired part of the year:

Auctioneers, first-class, per quarter year, \$5.00; per year, \$15.00.

Auctioneers, second-class, \$10.00 per day; per week, \$30.00; per month, \$100.

Brokers in grain, provisions or stocks per month, \$25.00.

Carettes, \$10.00 per year each.

Draymen, one horse, three months, \$2.00; six months, \$3.00; nine months, \$4.00; one year, \$5.00.

Draymen, two horses, three months, \$3.00; six months, \$4.00; nine months, \$5.00; one year, \$6.00 each vehicle.

Hackmen, three months, \$4.00; six months, \$6.00; nine months, \$8.00; one year, \$10.00 each vehicle.

Hackmen, special license for agricultural fair, etc., each vehicle, \$2.00 per day.

Itinerant merchants and transient vendors of merchandise, per week, \$20.00; per month, \$60.00.

Junk dealers, per annum, \$15.00.

Keepers of gun powder, cartridges or loaded shells, per annum, \$3.00.

Keepers of second-hand stores, per annum, \$2.00.

Pawn brokers, per annum, \$50.00.

Peddlers, per day, \$2.00; per week, \$3.00; six months, \$6.00; per year, \$10.00: provided that no license shall be required of peddlers of meat, milk, bread, or of a framer, fruit or vine grower or gardener for selling the produce of his own farm, orchard, vineyard or garden.

Sanitary plumbers and plumbers working on the city water works, per annum, \$15.00.

Circus and menagerie or either when one ring only, per day, \$25.00; per week, \$100.00; for more than one ring, per day, \$75.00.

Sideshowes accompanying circuses or menageries, per day, \$20.00; other shows or places of amusements under canvas

and not in building, one day, \$10.00; museums, per day, \$5.00; per week, \$15.00.

Theaters and opera houses for licensed theatricals and other exhibitions, shows and amusements therein, per quarter, \$10.00; per annum, \$25.00.

Skating rinks, per quarter, \$25.00; per annum, \$50.00.

Merry-go-rounds, circular swings or other similar devices not otherwise provided for, per day, \$5.00, and \$2.00 for each day thereafter.

Keepers of fruit, candy and peanut stands, or stands for the sale of any other article or thing, not prohibited by law or ordinance on the sidewalk or street, \$2.00 per day, or \$25.00 per year.

All places of public amusement other than those herein mentioned, per day, \$3.00; per quarter, \$15.00; per year, \$25.00.

Public concerts, lectures, theatricals and other exhibitions, amusements, musical performances or entertainments in any building other than a duly licensed theater or opera house, and not given solely for the benefit of some literary, scientific, religious or charitable organization of this city, per day, \$5.00.

734. The keeper of any place or stand kept within the city for the purpose of ball throwing, target shooting or the employer of any other device for the purpose of amusement or recreation, and exhibitions of any kind not otherwise provided for in this chapter to pay a license of \$3.00 per day, \$10.00 per week, \$20.00 per quarter year, \$50.00 per year; and for a failure to procure a license shall be liable to a fine of not less than \$3.00 for each day's offense.

735. Any person violating any provision of this chapter for violating which no penalty has been specifically fixed shall be subject to a penalty of not less than three dollars.

CHAPTER XLII.

LICENSE—SALE OF CIGARETTES.

736. The mayor shall from time to time grant licenses authorizing the sale of cigarettes within the city or within one-half mile of the city limits in the manner following and not otherwise:

Any person, firm, or corporation, desiring a license to sell

cigarettes, or any tobacco or mixture, or paper for the use or purpose of making or manufacturing cigarettes, shall make written application for that purpose to the mayor, in which shall be described the location at which such sales are proposed to be made. Said application shall be accompanied by evidence that the applicant, if a single individual, all the members of the firm if a co-partnership, and person or persons in charge of the business if a corporation, is, or are persons of good character and reputation. If the mayor shall be satisfied that the persons before mentioned are of good character and reputation and are suitable persons to be entrusted with the sale of cigarettes, he shall issue a license in accordance with such application, upon such applicant filing a bond payable to the city with at least two sureties, to be approved by the mayor in the sum of \$500, conditioned that the licensed person, firm or corporation shall faithfully observe and obey all laws of the State of Illinois and ordinances of the city, now in force or which may hereafter be passed with reference to cigarettes; provided, however, that nothing herein contained shall be held to authorize the sale of cigarettes containing opium, morphine, jimson weed, belladonna, glycerine or sugar.

737. Every person, on compliance with the aforesaid requirements and the payment in advance to the city collector, at the rate of \$100 per annum, shall receive a license under the corporate seal, signed by the mayor, and countersigned by the clerk, which shall authorize the person, firm or corporation therein named to expose for sale, sell or offer for sale cigarettes or cigarette tobacco and paper at the place designated in the license, provided, that no license shall be granted to sell within 200 feet of a school house

738. No license shall extend beyond the municipal year, but may be issued for the unexpired portion of such year, not less than one quarter, upon the payment in advance at the rate fixed by ordinance, and proof furnished to the mayor that the applicant was not liable for license, nor were any cigarettes, or tobacco, or mixture or paper thereof, sold at the place of business without a license prior to date fixed in his application.

739. Any license so granted may be revoked upon written notice by the mayor, whenever it shall appear to his satisfaction that the party so licensed shall have violated any provision of the laws of the State of Illinois or of any ordinance of the city relating to cigarettes, or any condition of the bond aforesaid.

740. And all persons licensed under this ordinance, or any ordinance, for the sale of cigarettes shall immediately

cause to be and remain posted upon some conspicuous part of the room or place where cigarettes are sold, or exposed for sale, his or their license.

741. Any person so licensed who shall not cause such license to be and keep the same posted as required in the preceding section, or who not being licensed shall cause or permit any paper or document purporting to be a license to be or remain posted as aforesaid, shall, on conviction, be fined in a sum not exceeding one hundred dollars.

742. It shall be the duty of the health officer, and he is hereby authorized and empowered from time time to inspect and examine all places where cigarettes are licensed to be sold within the city or within one-half mile of the city limits, with a view of ascertaining whether the laws of the State of Illinois, and the ordinances of the city in relation to the sale of cigarettes, or tobacco, or mixture, or papers therefor, are being complied with at such place, and it shall be his duty to cause all such laws and ordinances to be rigorously enforced; and it shall be the duty of all persons, firms or corporations licensed to sell cigarettes, or tobacco, or mixture, or paper therefor within the city, or within one-half mile of the city limits, upon demand of the health officer, to furnish to said officer for his inspection, samples of all cigarettes, or tobacco, or mixture, or paper therefor, sold or offered for sale by them, which samples of cigarettes, or tobacco, or mixture, or paper therefor, shall be analyzed by or under the direction of said health officer and a record of such analysis shall be made and kept in his office for the inspection of the public.

743. Any person who shall hereafter sell, have or keep for sale or expose for sale or offer to sell any cigarettes, or any tobacco, or mixture, or paper for the use or purpose of making or manufacturing cigarettes, at any place within the city, or within one-half mile of the city limits, without having first procured the license as above provided, shall be fined not less than twenty dollars and not exceeding fifty dollars for every violation of this ordinance.

744. Any person who shall hereafter, whether having a license to sell cigarettes or not, sell, have or keep for sale or expose for sale or offer to sell any cigarettes, or cigarette tobacco, containing opium, jimpson weed, belladonna, glycerine or sugar, shall be fined not less than twenty dollars and not exceeding fifty dollars for each and every offense.

745. Any person whether having a license to sell cigarettes or not, who shall hereafter sell, give away or deliver to any minor, idiot, insane or distracted person, or who shall buy

or in any manner procure, or aid in procuring for any minor, insane or distracted person any cigarettes, or any tobacco, or mixture, or paper for the use or purpose of making or manufacturing cigarettes, shall be fined not less than twenty dollars and not exceeding fifty dollars for each offense.

CHAPTER XLIII.

LICENSED DRUGGISTS.

746. That the city council at any meeting of the board on application being made in writing by the applicant may grant a permit to any established druggist or firm of druggists that they may in their discretion deem advisable, for the sale of spirituous, vinous, fermented or intoxicating liquors for medicinal, mechanical, sacramental or chemical purposes only, upon the applicant or applicants executing to the city a bond in the penal sum of \$1,000.00 with at least two sureties, to be approved by the mayor of the city, conditioned that he or they or his or their agents, clerks, or servants will not in any manner violate any of the provisions of this ordinance. and that he or they will well and faithfully observe and keep all ordinances of said city relating to the selling or giving away of any of said liquors for the term for which the permit shall be granted. Such permit shall be for the term not exceeding one year, and shall end on the first Monday of May following the granting thereof, and may be revoked by the city council whenever it shall satisfactorily appear to them that the person or persons to whom such permit was granted, his or their agent or agents, clerks or servants has violated any of the ordinances of said city relating to said liquors or any of the conditions of his or their said bond.

747. No druggist or firm to whom a permit shall be granted, nor his or their clerk, agent or servant shall sell any of said liquors except in the manner hereinafter provided. None of such liquors shall be sold or delivered except at the place of business of such druggist or firm, which shall be named and described by street and number in such permit, nor shall any of such liquors be sold to be drunk upon the premises where sold, and when such sales are made for medicinal purposes, they shall only be made upon the bona fide written prescription of a reputable, practicing physician, and if made for chemical, mechanical or sacramental purposes, shall only be made upon the bona fide written application of the per-

son applying therefor and such person making such application shall state therein the purpose for which the liquor is desired, provided that no such druggist or firm, his or their agent, clerk or servant shall sell any of said liquors for any of said purposes unless such person making such sales shall do so in good faith for the purpose named in the prescription or application, and no such liquors shall be sold at any one time in quantities exceeding one gallon.

748. Any person or firm obtaining such permit shall enter or cause to be entered into a well bound book, kept for that purpose only, a record of the date of the sale or gift of any vinous, spirituous, intoxicating or fermented liquors, the amount sold or given away and the person upon whose prescription or application the same was sold and delivered, which said book shall be at all reasonable hours open to the inspection of any member of the police force or officer of the city whom the mayor or city marshal shall designate for such purpose.

749. Any person or firm obtaining the permit required by this ordinance who shall neglect or refuse to keep the book herein required, or who shall refuse to allow an inspection thereof, shall be fined not less than fifty dollars nor more than two hundred dollars for each and every offense, and any such permit shall be revoked by the mayor for the second offense. And any physician who shall within the city give a prescription for any of such liquors, or any person who shall make any application therefor, when such prescription or application is not made in good faith for the purposes in such prescription or application named shall be liable to a fine of not less than ten dollars for each offense.

750. For the permit herein provided for, the person or firm applying for the same shall pay the city collector the sum of fifty dollars.

CHAPTER XLIV.

LICENSED GAMES.

751. No person or persons shall set up, keep or cause to be kept by his or their agent or servant any shooting gallery, nine-pin, ten-pin, or other bowling alley, billiard, bagatelle, pool or other kind of table or place whatever, on or at which games of skill or chance are played, and for the use of which,

or privilege of playing thereon or thereat, any money or its equivalent shall be required, paid, or received, without first obtaining a license therefor in accordance with the provisions of this chapter, under a penalty of not less than \$20.00 for each offense.

752. All applications for any license provided for by this chapter shall be made to the council. Such application shall give the name of the applicant, the kind of license desired, and shall specify particularly the place where the thing, for which license is asked, is to be kept and used. The city council may grant or reject the application in its discretion.

753. If the council grant the application so made to it the applicant for such license shall thereupon pay to the city collector the sum required for such license, who shall give a duplicate receipt therefor, one of which receipts shall be presented to the mayor, who shall thereupon direct a license to issue to the party. Such license shall give the name of the party to whom, and the purpose for which it is granted, the time of its continuance, and a particular description of the place where the thing licensed is to be kept or used. In all these particulars the license shall correspond with the application for such license. Such license shall not be assigned, nor shall the place where it is to be operated be changed, without the assent of the council.

754. The license fee for each billiard room shall be, for six months, \$60.00; for one year, \$100.00. And for the purposes of this article every pool or bagatelle table shall be deemed a billiard table. For each shooting gallery, or bowling alley, the license fee shall be fifty-two dollars per year, and at the same rate for any shorter period, not less than one month, provided that licenses for one week shall not be granted for less than two dollars, nor for one day for less than one dollar, and the owners or keepers of any place where any games of chance or skill are played for gain or hire, and which is not enumerated herein, shall pay an annual license of twenty-five dollars, or for a shorter period at the rate of two dollars per day; but this provision shall not be construed as authorizing the playing of any game of chance or skill for any purpose which is forbidden by the laws of the State of Illinois or by the ordinances of the city.

755. It shall be unlawful for any keeper of any billiard room or place where any pool, bagatelle, or billiard table is kept for the purposes described in Section 751, his agent or servant to permit any person or persons under the age of eighteen years to play upon or at any such tables, or to frequent, lounge

in or about, or be in any such billiard rooms, and any such keeper or owner, his agent or servant guilty of a violation of this section shall, for each offense, be liable to a fine of not less than ten nor more than one hundred dollars.

756. Any such keeper or owner of any such billiard room or place who shall suffer or permit any drunken or intoxicated person or persons to frequent or be in such billiard room, or permit any such person or persons to play at or upon any tables within such room, or shall suffer or permit any loud or unseemly noises or disturbance of the peace, or any riots, routs, fights, quarrels, or affrays within such place, shall be guilty of a violation of this chapter, and shall for each offense be liable to a penalty of not less than five nor more than fifty dollars; and it shall be the duty of such keeper or owner, his agent or servant in charge of such room immediately upon any disturbance in such room to notify the city marshal or some police officer and take prompt measures to secure the arrest and conviction of any such person or persons committing any such disturbance or engaging in any riot, routs, quarrel or fight, or any person or persons who may enter such place in a drunken or intoxicated condition, and any such keeper or owner of such billiard room, his agent or servant, who shall refuse or fail to comply with any of the foregoing provisions shall be liable to a penalty of not less than five nor more than ten dollars for each offense.

757. The mayor or city council may revoke any license granted under the provisions of this chapter on proof that any of the provisions herein contained have been flagrantly violated by the owner or keeper of any such billiard room, his agent or servant.

CHAPTER XLV.

LICENSED SALOONS.

758. At each annual municipal election there shall be submitted to the legal voters of the city the proposition whether or not licenses for the sale of intoxicating, vinous, malt, mixed and fermented liquors shall be granted by the city council for the coming municipal year and if a majority of the legal votes cast at any such election be in favor of the granting of such licenses then the city council shall grant the same in the manner and subject to the provisions and conditions hereinafter provided and contained, but unless a majority of such legal votes cast at such election be in favor of the granting of such

licenses then no such license shall be issued or granted for such year.

759. If the vote provided for in the preceding section shall be in favor of granting such licenses the city council may grant licenses to such persons as it may deem proper, but before any such license shall issue, the person or persons desiring the same shall make application in writing to the city council, which application shall state the name, age, occupation and place of residence of each applicant, and shall give the street and number, and also a general description of the premises in which he or they propose to sell liquors. And such application shall be accompanied by a certificate in writing, signed by not less than five legal voters and free holders of the city, certifying to the general good character of each applicant, and that such applicant has never been convicted of, nor plead guilty to, the selling of liquors in violation of any law or ordinance, nor guilty of any other crime. Such application shall also be accompanied by the names of the proposed sureties of the applicant, and also by an affidavit of each applicant, that the application is made solely and only on account of the person or persons named in the application, and that no other person or persons are interested therein as licensee; that he is a citizen and legal voter of the city; that he has never sold nor given away any vinous, malt, fermented, mixed or intoxicating liquor, within the city in violation of any law of the state of Illinois or ordinance of the city, and so far as he knows or is informed, or believes, none of such liquors have been so sold or given away in or upon the premises named and described in the application, with the knowledge or consent of the owner thereof or of his agent, subsequent to the 1st day of January, 1901. Such application, certificate and affidavit shall be filed with the city clerk at least five days prior to the meeting of the city council at which application for license will be made. And the applicant or applicants shall cause a notice of such application to be published in a daily newspaper published in the city, which notice shall give the name or names of the applicant or applicants and of the persons certifying to his or their good character, and of his or their proposed sureties, the description of the premises as given in the application, and the time when the application will be made, and such notice shall be published twice, the first insertion to be at least five days prior to the time of the application. The affidavit herein provided for, shall not be conclusive of the matters therein stated, but any citizen or citizens of the city shall have the right to appear before the council, in person or by attorney, and object to the granting of such license, and on such appearance shall have the right to

controvert the said affidavit, by any documentary, record, oral or other legal evidence. And no license shall hereafter be granted to anyone not a legal voter within the city, nor to anyone to sell any of such liquors in or upon any place or premises within the city, wherein or whereon any of such liquors have, with the knowledge or consent of the owner thereof or of his agent, been or shall be sold or given away in violation of any law or ordinance subsequent to the first day of January, 1901, nor to any person who has been or shall be guilty of selling or of giving away any of such liquors in violation of any law or ordinance. Provided, however, that no property shall be disqualified for use as a licensed saloon where sales in violation of law or the ordinances of the city have been made only by the lessee or lessees or occupants of such premises, unless made with the knowledge or consent of the owner, or of his agent.

760. Before any license shall issue under the provisions of this chapter the applicant in addition to the bond required by the laws of the state shall execute a bond to the city in the penal sum of one thousand dollars, with at least two sureties, freeholders of Warren county, Illinois, to be approved by the city council, and conditioned that the party licensed shall faithfully observe and keep all ordinances of the city now in force or hereafter to be passed during the period of such license, and shall faithfully observe and comply with the provisions and restrictions of the laws of the state of Illinois regulating dram shops or the sale of liquors.

761. The license fee shall be one thousand dollars per annum, and no license shall be granted for any less sum and every license granted unless sooner revoked shall expire on the first Monday of May following the date of the license, and it shall be dated as of the day it was granted, and shall be signed by the mayor and countersigned by the city clerk with the corporate seal thereof attached, and no portion of any money paid to the city for a license shall be refunded.

762. The mayor or the city council shall have power to suspend for a stated period of time or to revoke any license granted under the provisions of this chapter for a non-compliance with or a violation of any law or city ordinance relating to the business for which the license granted either by the person holding such license or any of his employes, or for in any manner either by himself or his employes hindering or resisting the officers of the city in the performance of duty or either by himself or his employes refusing entrance to the rooms occupied in his business or neglecting to open the entrance to such rooms when called upon by any officer of the city. If such suspension or revocation is made by the mayor he shall

report the same to the city council at its next meeting with his reasons therefor, and the council shall thereupon confirm or reject such suspension or revocation.

763. No license under the provisions of this chapter shall be issued to any person or persons to keep a dram shop in any place under ground or in any cellar or basement or in any room above the first or ground floor.

764. No person shall be permitted to occupy more than one room in carrying on his business under a dram shop license, and no room thus used shall be connected with any other room, except a room on the same floor owned or controlled by him, in which room no intoxicating liquor shall be sold, delivered or drank, and no obstruction shall be allowed to prevent a full view of either room from the public street, neither sign, screen, frosted window, window blind, shutter, partition or any object whatever, nor shall the distinct view of such room be obscured by any colored light, but all the room where liquor is sold or drank, and all of any room connected therewith, shall be plainly visible by day and night from the public street or alley, and shall at all times during business hours or when occupied by anyone be accessible to the police. The room or rooms aforesaid shall not be connected with any other room, or with any hall, passage way or closet by means of any opening, window, door, stairway, dumb waiter, dummy, shelf, slide, movable partition, trap door, ladder, bell, cord, tube or wire in any manner whatever. And such room or rooms shall be kept lighted by artificial light during the entire night.

✓ 765. No keeper, proprietor or person in charge of any dram shop shall allow such dram shop to be kept open, or suffer or permit any person except police officers to have access to, or allow any person to drink at or in such dram shop on Sunday or Sunday night, or at any time between ten o'clock p. m and six o'clock a. m., or at any time on the day of any election held in the city.

766. No keeper, proprietor or person in charge of any dram shop shall permit any game of any kind to be played, or allow any musical performance, vocal or instrumental, in his dram shop or in any room connected therewith.

767. No proprietor, keeper or person in charge of any dram shop shall allow any minor to drink in or to remain in or loiter about such dram shop, or give, sell, or deliver any liquors to a minor or to any person for the use of a minor.

768. No keeper, proprietor or person in charge of any dram shop shall suffer any loud noises, boisterous talking, pro-

774a. Licenses granted under this chapter shall provide for and only authorize the sale of spirituous, vinous malt and fermented liquors in less quantities than one gallon.

fane or vulgar language, quarreling, fighting or other disturbance in such dram shop or any room adjoining in his control.

769. No keeper, proprietor or person in charge of any dram shop shall allow to be sold or delivered in such dram shop any intoxicating drink to any intoxicated person, or person who is in the habit of getting intoxicated.

770. The giving away of intoxicating liquors, or any shift or device to evade the provisions of this chapter, shall be held to be an unlawful selling.

771. In all prosecutions under this chapter it shall not be necessary to state the kind of liquor sold, nor to describe the place where sold, nor to show the knowledge of a principal to convict for the acts of an agent, clerk or servant.

772. Whenever the wife, or any other relative of any person habitually addicted to the use of intoxicating drink, by notice in writing, personally served, shall make a request to any liquor dealer not to sell, or in any manner give away liquor to such person, it shall thereafter be unlawful for such liquor dealer to sell or give away any liquor to such person.

773. The mayor of the city may in times of public excitement whenever in his judgment the occasion demands it, order all places where intoxicating liquors are sold, to close and refrain from selling or giving away or delivering any such liquor to any person whatever, and at such times it shall be unlawful for any person or persons to keep open any such place during the continuance of such order.

774. Any person violating any section of this chapter shall be subject to a penalty of not less than twenty-five dollars for each offense.

CHAPTER XLVI.

LICENSING WHOLESALE LIQUOR DEALERS.

775. If a majority of the legal votes cast at any annual municipal election be in favor of the granting of licenses for the sale of intoxicating, vinous, fermented, mixed and malt liquors, then the city council may grant licenses to such persons as it may deem proper for the coming municipal year for the sale of spirituous, vinous and fermented liquors in quantities of one gallon and over, or malt liquors in quantities of five gallons or over within the corporate limits of the city.

776. The license fee from such wholesale dealers shall be

as follows: The sale of malt liquors alone, \$150.00 per annum; the sale of spirituous, vinous and fermented liquors, \$350.00 per annum.

777. Before any license shall issue under the provisions of the two preceding sections, the applicant shall first execute a bond to the city of Monmouth in the penal sum of three thousand dollars with at least two sureties, free holders of Warren County, Illinois, to be approved by the city council, and conditioned that the party licensed shall faithfully observe and keep all ordinances of the city of Monmouth now in force or hereafter to be passed during the period of such license, and shall pay the license fee to the city collector.

778. No person or firm to whom such wholesale license shall be granted or his or their clerk, agent or servant shall sell any of said liquors in less quantities than provided in such license nor in any quantity to be delivered except at the place of business of such person or firm nor in any quantity to be drank upon the premises or in or upon any adjacent room, building, yard, premises or place of public resort, nor shall any of such liquors be sold or delivered to a minor or to any person in the habit of becoming intoxicated, nor shall any of such liquors be sold or delivered on Sunday for any purpose, or on election days, except for shipment from the city.

CHAPTER XLVII.

LIQUORS, UNLICENSED SALE OF

779. Whoever shall by himself or another either as principal, agent, servant, clerk or otherwise directly or indirectly, sell or give away, in any quantity to any person any intoxicating, malt, vinous, mixed or fermented liquors, shall for each and every offense be fined in the sum of twenty-five (\$25) dollars. Provided, that this section shall not apply to sales made by persons having a license to keep a dram shop or a wholesale liquor dealer's license or a druggist's permit, unless such sales be made in a place or in quantities or to a person or persons or at times or under conditions not authorized by the license or permit held by such person or persons.

780. Whoever, whether having a license to keep a dram shop, or wholesale dealer's license or druggist's permit or not, shall by himself or another either as principal, agent, servant, clerk or otherwise, sell, give or deliver to any person of the

classes in this section mentioned, or buy or in any manner procure or aid in procuring any intoxicating, malt, vinous, spirituous, mixed or fermented liquors for any minor, apprentice, servant, insane, idiot or distracted person, habitual drunkard or person intoxicated or person in the habit of getting intoxicated, shall for each and every offense be fined in the sum not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars.

781. Whoever keeps open upon the first day of the week, commonly called Sunday, any place where intoxicating, malt, vinous, mixed or fermented liquors are sold or given away shall for each offense be fined the sum of one hundred (\$100) dollars.

782. In any proceeding under this ordinance it shall not be necessary to state the kind of liquors bought, sold, given away or delivered, nor the name of the person or persons for whom bought or to whom sold, delivered or given, nor to show the knowledge of the principal to convict for the acts of the agent, servant or clerk, nor to state the place where sold, given away or delivered.

CHAPTER XLVIII.

MISDEMEANORS.

783. It shall be unlawful for any person in this city on Sunday to engage in any ordinary labor, trade or business, except works of necessity or mercy, or to keep open any house of trade, shop, saloon or store, or any place of business or amusement.

784. Any person who shall within the city kill or wound or attempt to kill or wound any wild bird (hawks, owls and English sparrows excepted) or any squirrel (such animal not being the property of the person so offending) shall be fined not less than one dollar.

785. Any person who shall engage in any game, sport or amusement, exhibition or show, or indulge in, or perform any feat or act in the street, or upon any sidewalk, which shall have a tendency to frighten horses, or which shall collect a crowd of persons, so as to interfere with the passage of teams, vehicles or passengers along such streets or sidewalks, or who shall place or cause to be placed in or near any street, any

board, sign, structure, or thing likely to frighten horses, shall be subject to a penalty of not less than three dollars.

786. Whoever shall wilfully or carelessly break, injure, deface or destroy, or in any manner without authority, disturb or interfere with any telegraph, telephone, trolley or other electric wire, or any pole or post designed for the support of such wire, or without authority, in any manner injure, disturb, or interfere with any mailing box or post, or any curb or curbstone or any street lamp or lamp-post, or any gas pipe, shall be subject to a penalty of not less than five dollars.

787. Whoever shall, without proper authority, destroy, tear, mutilate, cover over, or otherwise deface or injure, any bill or poster, descriptive or giving notice of any meeting, performance or entertainment thereafter to be had or given or whoever shall break, deface, destroy, remove, trespass upon or otherwise injure any public or private property shall, on conviction, be subject to a penalty of not less than two dollars. Provided, that this section shall not apply to bills or posters prohibited by law or ordinance or to such as may be posted in places not permitted by law or ordinance.

788. Whoever shall, in any public square, park, street or public ground, or ground belonging to the city, without proper authority, or in any private grounds without permission of the owner or person in charge thereof, cut, injure or destroy any tree, vine, shrub, plant, grass or walk, or cut or remove any sod or earth, shall be subject to a penalty of not less than three dollars.

789. Whoever shall without the consent of the owner or person in charge thereof post, put up, stick or place any advertisement, hand bill, placard, show bill, circular or other notice or matter upon any building, tree, box, gate, fence, sidewalk, lamp post, pole, awning, telegraph, telephone, electric light or trolley pole or vehicle shall be subject to a penalty of not less than three dollars.

790. Whoever shall in any street, alley or public grounds, except with permission or instruction of the superintendent of streets, throw, place, deposit or leave any brick, stone, glass, iron, ashes, or any rubbish of any kind, or who shall in any such place put, or leave any straw, paper, pasteboard, shavings or refuse, or any decayed fruit or vegetables or parings thereof or any house or kitchen slops shall be subject to a penalty of not less than three dollars.

791. No person shall stop or obstruct the passage of the water of any street, gutter, or public sewer, culvert, water

pipe, hydrant, or water course within the city, under the penalty of not less than five dollars for each offense.

792. No person shall throw, cast, lay, or place on any sidewalk in the city, the rind or peel of any orange, banana, apple, or other fruit, under a penalty of not less than one nor more than five dollars for each offense.

793. Whoever shall obstruct or encumber any street corner, sidewalk, postoffice, hallway, or other public building or place in the city, by lounging in or about the same, and after being requested to move on by any police officer, shall refuse to do so, shall be subject to a penalty of not less than two dollars.

794. Any person unnecessarily loitering or standing about the door or entrance of any hall, church, or other public building, to the inconvenience of persons passing in and out, who shall refuse to move on when commanded by any person in charge of such hall or public building, or officer or usher of such place of worship or assembly, or by any police officer, shall be subject to a penalty of not less than two dollars.

795. Any person able to work and maintain himself or herself in some lawful calling, not having visible means of support, who shall live idly without employment and without any fixed place of abode, or shall stroll about the streets begging from house to house, or frequenting drinking saloons, gaming houses or bawdy houses, or shall otherwise lead an idle or profligate life; or any person upon whom shall be found any instrument or device for pigeon dropping. or for picking locks or pockets, or for the commission of burglary, or other devices used by cheats and swindlers, without being able to give a good account of his or her possession of the same; or any person who shall trespass upon private premises in the night time or while intoxicated, or habitually sleep in out houses, stables, lumber yards, railroad depots or cars; or any prostitute, bawd or lewd woman, or female inmate of a bawdy house or house of ill-fame, who shall be wandering about the streets plying her vocation, or visiting or staying about dram shops or drinking saloons; and all habitual night walkers, or persons loitering or strolling about the streets of the city at late or unusual hours of night, without being able to give a good and satisfactory account for so doing, shall be deemed vagrants within the meaning of this section, and shall, upon conviction, be fined not less than one dollar nor more than twenty-five dollars in each case.

796. Whoever shall, in any public place, or place open to the public view, within the city, write or draw, cut, make, or

show, any lewd or indecent word, sentence, design or figure; or whoever shall indecently exhibit any stallion, bull, jackass or other animal, except in an enclosed place out of public view and hearing, shall, in either case, be subject to a fine of not less than five dollars or more than fifty dollars.

797. Whoever shall, within the city, or within three miles of the outer boundaries thereof, keep or maintain, directly or indirectly, any bawdy or disorderly house, house of ill-fame or of assignation, or place for the practice of fornication or adultery, shall, upon conviction, be fined in any sum not less than ten dollars nor more than two hundred dollars for each offense, and be subject to a further penalty of one hundred dollars for every twenty-four hours such person shall keep or maintain said house after the first conviction or after any such person shall have been ordered by any member of the police force to discontinue the same.

798. Whoever shall, within said city, or within three miles of the limits thereof, knowingly lease, let or permit any building or premises, owned by him or under his control, to be used in whole or in part as a house of ill-fame, or house of assignation, or place for the practice of fornication or adultery, shall be subject to a fine of not less than ten dollars nor more than one hundred dollars, and to a further fine of twenty-five dollars for every forty-eight hours after the first conviction that he shall continue to violate this section.

799. Whoever shall be an inmate or occupant of, or shall frequent or be found in, any bawdy house, house of ill-fame or of assignation, or place used for the practice of fornication or adultery, within said city, or within three miles of the limits thereof, shall, on conviction, be fined not less than two dollars nor more than twenty dollars for each offense.

800. Whoever shall, within said city entice, influence or persuade any female to enter or frequent any bawdy house, house of ill-fame or assignation, or place used for the practice of fornication or adultery; or whoever shall induce any minor to enter or frequent, or shall allow or permit any minor to remain in any such house or place, shall, for each offense, be subject to a fine of not less than twenty-five dollars nor more than two hundred dollars.

801. In any action or suit arising under the last four preceding sections of this chapter, the fact that any house is a house of ill-fame or of assignation, or that any house is used for the practice of fornication or adultery, shall be sufficiently proven or established by evidence that such is the general reputation of the same.

802. Any person who shall be guilty of any open lewdness or indecency, or who shall, in the hearing of other persons, publicly utter any obscene or filthy word or expression, or who shall appear in any public place in a state of nudity, or in any dress not belonging to his or her sex, or in any indecent dress, or in any indecent condition, shall be subject to a penalty of not less than five dollars for each offense.

803. Whoever shall use any profane or obscene language in any public place in said city, loud enough to be heard by any persons passing thereby, and when any woman may be sufficiently near to hear the same; or shall be guilty of any disorderly conduct or behavior, shall, in any case, be subject to a fine of not less than one dollar nor more than twenty dollars.

804. Any person who shall bring or cause to be brought into said city, for the purpose of sale or exhibition, or shall keep, sell, offer or expose for sale, any obscene or indecent publication, book, pamphlet, paper, print, picture, illustration, model, cast, instrument or article for indecent or immoral use, or shall advertise the same for exhibition or sale, shall, on conviction, be fined not less than ten dollars nor more than two hundred dollars for each offense.

805. Whoever shall exhibit or perform, or assist in exhibiting or performing, in said city, any obscene, indecent or lewd play, or other such representation, or shall knowingly permit the same to be exhibited or performed in any building or hall owned or controlled by him, shall, in each case, be subject to a fine of not less than ten dollars nor more than fifty dollars.

806. Whoever shall inhumanely, unnecessarily or cruelly beat, injure or otherwise abuse any dumb animal, or overload any team, or inhumanely treat or restrain any animal, shall be fined not less than five dollars nor more than twenty dollars for each offense.

807. No doctor, druggist or other person shall make, sell, put up, prepare or administer any prescription, decoction or medicine under any deceptive or fraudulent name, direction or pretense, under the penalty of not less than ten dollars for each offense.

808. No poisonous medicine, decoction or substance shall be held for sale or sold, except for lawful purposes and with proper motives, and by persons competent to give the proper directions and precautions as to the use of the same; nor shall any bottle, box, parcel or receptacle thereof be delivered to any person unless the same is marked "poison," nor to any person to whom the party delivering the same has reason to think

intends it for any illegal or improper use or purpose, under the penalty of not less than twenty-five dollars for each offense.

809. Whoever shall in said city, interrupt or disturb any congregation or assembly met for the purpose of religious worship, or for any lawful purpose, by making any loud or unusual noise, or by rude and indecent behavior, or by obscene or improper discourse or conduct shall, on conviction be fined not less than five dollars nor more than fifty dollars.

810. Whoever shall disturb the peace of the city, or the quiet of any private family or person therein, by loud or unusual noises or by violent and tumultuous carriage, or by shouting, cursing, quarrelling, challenging to fight or fighting, or any other disorderly conduct, or who shall employ any bellman or cryer, or use any bell, gong or drum in connection with or for the purpose of directing attention to any place of sale, or at or near any auction room, shall upon conviction be fined not less than one, nor more than twenty dollars.

811. Whoever shall wilfully turn a stream of water from any hose or hydrant upon any other person, or upon any private premises (except in case of fire) without consent of the occupant of such premises, shall be liable to a fine of not less than one dollar.

812. Any person who shall within said city engage in fighting or shall challenge any person to fight, or who shall commit an assault upon the person of another, or shall threaten or traduce another, or shall use any profane, obscene, abusive or offensive language, or indulge in any conduct toward another tending to provoke a disturbance or breach of the peace, shall upon conviction be fined not less than three dollars.

813. Any person who shall, except in performance of duty, attempt to get on or in any manner attach himself to any locomotive, tender, railroad car or street car while in motion or who shall climb upon or into any wagon, carriage, sleigh or other vehicle while the same may be in motion, or attach his sled or cart to any such vehicle without the consent of the driver thereof, shall be subject to a penalty of not less than one dollar.

814. Any person keeping or having charge of any house, building, shop, or place of any description who shall suffer or permit therein any loud and boisterous talk or conversation, or any profane or obscene language, or any species of disorder or tumult, which may alarm or disturb others in such place, or may alarm or disturb the neighborhood, or persons passing on any public street or highway, shall be deemed guilty of a mis-

demeanor, and shall be liable to a penalty of not less than three dollars for each offense.

815. Any person who shall make, aid, countenance, or assist in making any improper noise, riot, disturbance, breach of the peace, or diversion tending to a breach of the peace, in the streets or elsewhere in the city, and all persons who shall collect in bodies or crowds for unlawful purposes or for any purpose to the annoyance or disturbance of citizens or travelers, shall be severally subject to a fine of not less than one nor exceeding one hundred dollars.

816. Whoever shall, within said city, set up, run or maintain any lottery, or shall sell or dispose of for gain any ticket, chance or share in any lottery, or shall sell or attempt to dispose of any article of property dependent upon any chance, by dice, lot, numbers, or other device, or shall promote or be in any way connected with any such lottery or game of chance; or whoever shall knowingly permit any such lottery, business or enterprise, to be carried on in any building or premises owned or controlled by him, shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars for each offense.

817. Whoever shall knowingly and willfully assault, beat, obstruct, resist, hinder, delay or oppose any police officer or other conservator of the peace of the city, or any person aiding such officer in the discharge of any official duty, or shall refuse or neglect to obey any lawful order or direction of such officer, or shall refuse or neglect to aid and assist such officer in taking or arresting or securing any person subject to be arrested in accordance with any ordinance of the city or criminal law of the state, or shall neglect or refuse to aid in retaking or securing any person who, having been lawfully arrested or confined as aforesaid, may have escaped from such arrest or imprisonment, or shall neglect or refuse to aid and assist in preventing any breach of the peace, or the commission of any criminal offense, being thereto lawfully required by any police officer, special constable or other conservator of the peace, or who shall rescue or attempt to rescue any person from the custody of an officer or any person having such person legally in custody, or shall molest or interfere with any officer or person so having any person in custody, or shall in any manner aid, abet or encourage the rescue or escape, or the attempt to escape from imprisonment or custody of any person legally committed thereto, shall be subject to a penalty of not less than ten dollars.

818. Whoever shall be in a state of intoxication or drunkenness in any public place, or place open to public view, within

the city, or in any private house or place to the annoyance of any person, shall, upon conviction, be fined not less than one dollar nor more than fifty dollars.

819. Any person or persons who shall drink any intoxicating, malt, vinous, mixed or fermented liquors, on any public street or other public place in said city, or in public view in said city, or in any alley, shed, barn, out building, hall, room, stable yard, or other private place in said city without consent of the authorized occupant thereof, shall be liable to a fine of five dollars for each offense.

820. Any owner, lessee, occupant, or agent of such owner, lessee, or occupant, who shall give consent to any person or persons to drink any intoxicating, malt, vinous, mixed or fermented liquors in any shed, barn, outbuilding, open hallway, or stable yard, shall be liable to a penalty of five dollars for each offense.

821. Every person who engages or aids in any game, device, trick or scheme designed, or intended to cheat, swindle or defraud any one out of any money, or other property, or who shall attempt, or aid in attempting, to cheat, swindle, or defraud any one of any money or property, by any game, trick, scheme, or device, or who has in his or her possession in the city, any implement, token, or device, used in any game of chance, sleight of hand, trick or scheme, calculated or intended to cheat, swindle, or defraud any one out of money or property, shall be deemed guilty of a misdemeanor, and be liable to a penalty of not less than five nor exceeding fifty dollars for each offense.

822. Whoever shall set up, keep or maintain, or permit to be set up, kept or maintained in any house, room or place within this city owned, occupied or controlled by him, any table, instrument, device or thing for the purpose of gambling, or with or by which money, liquors, cigars or anything of value shall be played for, or whoever shall keep a room or rooms or place for the purpose of playing poker or any other game whatever with cards or dice or other device or thing whatever for the purpose of gambling, and upon which money or anything of value is staked, shall be subject to a penalty of not less than one hundred dollars.

823. Whoever shall deal, play or engage in faro, roulette, poker, or any other device or game of chance, either as banker, dealer, player, or otherwise, for the purpose of gaming, shall be subject to a penalty of not less than five dollars for each offense.

824. No person shall bring into this city, or have in his,

her or their possession in this city, any table, thing or device of any kind or nature, whereon or with which money or anything of value may in any manner be played for, under a penalty of not less than fifty dollars.

825. Any person who is a frequenter, visitor, inmate or solicitor for any house, room or place in this city kept for the purpose of gaming, or in which any of the games covered by the previous sections are played for money, liquor, or any other thing of value, shall be subject to a penalty of not less than ten dollars.

826. Whoever without proper authority injures or extinguishes or in any way interferes with any gas or electric light, or any light or signal, placed on any street, avenue, alley, sidewalk or other public place in the city to indicate danger shall be subject to a fine of not less than ten dollars.

827. Whoever places or causes to be placed in or upon any street, alley, highway or public ground any tack, nail, piece of iron, broken glass or other substance which may injure, cut or puncture any pneumatic tire, shall be subject to a penalty of not less than three dollars.

828. Whoever shall, within said city, wear or carry, concealed about his person any pistol, revolver, slungshot, metallic knuckles, bowie knife, dirk, razor or other dangerous or deadly weapon; or whoever shall display or flounrinish any such weapon in a boisterous or threatening manner, shall, on conviction, be fined not exceeding twenty-five dollars for each offense; provided, that the provisions of this section shall not be held to apply to any police officer, constable or other peace officer, while in the discharge of his duty, nor to any person summoned by any such officer to aid him in making an arrest or preserving the peace.

829. Whoever shall, by gesture or otherwise, encourage dogs to fight or continue fighting, shall be subject to a penalty of not less than two dollars. The police officers shall suppress all dog fighting and arrest the persons encouraging the same.

830. Whoever shall falsely personate a city officer or shall molest, hinder or obstruct any city officer or any employe of the city, in the performance of his official duty, or whoever shall change, remove or destroy any stone, stake or post set to mark the corner of any lot or parcel of ground, or any street or alley, or to show the grade of any street, alley, sidewalk in the city or set for any other purpose by such officer or employe, shall on conviction be fined not less than two dollars.

831. Whoever shall, by the burning of any stable refuse or rubbish, or any bonfire cause offensive smell or smoke, to

the discomfort or inconvenience of residents of the neighborhood, shall be subject to a penalty of not less than one dollar.

832. No person shall sell to, buy for or furnish to any minor not above the age of sixteen years, any cigar, or any tobacco in any form, under penalty of not less than five dollars.

833. Any person having or recovering from any malignant and infectious disease who shall appear in any public place before he shall be past all danger of giving the disease to others, shall be subject to a penalty of not less than ten dollars.

834. Any person attending or being with any person having any malignant or infectious disease, who shall not change or purify his wearing apparel before appearing in any public place, or shall so conduct himself as to endanger the spreading of such disease, shall be subject to a penalty of not less than ten dollars.

835. The establishment or carrying on of any offensive or unwholesome business within the city or within one mile of the limits thereof is hereby prohibited, and whoever is guilty thereof shall be liable to a fine of not less than \$5.00 nor more than \$200 for each offense.

836. Whenever a peddler shall enter any private dwelling without being admitted into the same, or shall insist upon the showing or sale of his goods or wares to any person after being requested not to do so, or shall annoy any person by importunities to purchase, or shall obstruct any sidewalk or street by the opening of his goods and wares, drugs or other things, shall be subject to a penalty of not less than three dollars for each offense.

837. No person while distributing hand bills, notices or other printed matter, shall ring the bell or knock upon the door of any private residence, except in compliance with the request of the occupant thereof, under penalty of not less than one dollar.

838. Whoever shall keep more than two swine in one pen or upon one lot when the land is laid out in lots or shall keep any swine in a pen adjoining any public street or avenue, or within twenty-five feet thereof, or within three blocks of the public square in the city shall upon conviction be fined not less than three dollars, and three dollars in addition for every twenty-four hours he shall allow such swine to remain after conviction.

839. It shall be unlawful for any person or persons to

enter upon and engage in any games, sports or plays, upon any of the public school grounds where public schools are held, during school hours, or while any public schools are in operation, or during vacation, or be found loitering about the same; and it shall be unlawful for any person or persons to commit a nuisance on such grounds at any time.

840. Whoever in the use of a telephone instrument shall use profane, indecent, obscene or vulgar language, or whoever shall in such use personate or represent another and shall thereby or shall in any other manner in the use of such an instrument prejudice, injure or seriously annoy any other person or persons, or whoever shall in such use raise a false alarm shall be subject to a penalty of not less than \$2.00.

CHAPTER XLIX.

NUISANCE.

841. Any pig pen, stable or other place in which swine or other animals are kept, or any building or premises within the city which may be offensive or nauseous to any person residing in the vicinity of the same, or to persons passing along any street or alley near the same, is hereby declared to be a nuisance; and the owner or keeper of such a pen, swine or other animals, or the owner or occupant of such building or premises, who shall fail, neglect or refuse to abate such nuisance, after notice to do so by the health officer of the city, or any policeman or person aggrieved thereby, shall, upon conviction, be fined not less than one dollar nor more than twenty dollars, and shall be subject to a further fine of one dollar for each day thereafter that he shall fail to remedy or abate such nuisance.

842. Whoever shall within the city place or throw or permit to be discharged or to flow from or out of any house or premises any filthy, foul or offensive matter or liquid of any kind into any street, alley or public place or upon any lot or ground or shall allow or permit the same to be done by any person connected with the premises under his or her control or shall allow or permit the contents of any vault, privy or cesspool to rise within less than two feet of the top thereof, shall be deemed guilty of a nuisance and shall upon conviction be fined not less than three dollars for each offense.

843. It shall constitute and is hereby declared to be a nuisance for any person or persons, the owner or drivers of any

wagon or other vehicle loaded with any dead hog or dead swine or other animals, unless the same have been slaughtered for use as meat, to stop such wagon or vehicle containing any such load or part of a load at or upon any street, avenue, alley, or place within the city, or to unload the contents or any part of such load at or upon any place within the limits of the city, except within or upon cars for immediate shipment; and any person or persons, owner or driver of any such vehicle guilty of a violation of any of the provisions of this section, shall be liable to a penalty of not less than three nor more than one hundred dollars for each and every offense.

844. Any noxious, objectionable or dangerous plant or weed liable to spread over surrounding ground to the public injury, or detrimental to persons residing or owning property in the vicinity, allowed to grow on any lot or premises in the city, is hereby declared a nuisance, and any person permitting such growth on any premises controlled by him shall be subject to a penalty of not less than three dollars for each offense, and shall also be liable for all cost incurred under the direction of the superintendent of streets in the removal or extermination of such plants or weeds upon such premises.

845. Any wooden building or wooden part of any building which may be situated within thirty feet of any contiguous building, and which shall be so dilapidated and out of repair as to be untenable, is hereby declared to be a nuisance.

846. Any building, or erection or part thereof, which shall be in danger of falling, or otherwise in such a condition as to endanger the safety of persons passing under or near the same, or residing adjacent thereto, or to endanger any property contiguous thereto, is hereby declared to be a nuisance.

847. Whoever shall, within said city butcher or slaughter any cattle, sheep, swine or other animals, except for his own family use, or use any building or premises for that purpose, shall be deemed guilty of creating a nuisance; or whoever shall within the distance of one mile without the city limits, establish any slaughter or packing house, or carry on the business of slaughtering or butchering stock, without obtaining the permission of the city council therefor, shall be deemed guilty of a nuisance; or whoever having obtained permission of the city council, shall conduct or carry on the business of slaughtering or butchering in such manner as to taint the air so that the same shall become offensive, annoying or unwholesome to the persons residing in the neighborhood thereof, shall be deemed guilty of a nuisance. Any person or persons causing or continuing any such nuisance, or failing to keep his or their prem-

ises in a clean and inoffensive condition, shall be subject to a fine of not less than five dollars nor more than one hundred dollars in each case, and to a further fine of five dollars for each day after the first conviction that any such nuisance shall remain.

848. Whoever shall, within the city limits, establish or maintain any tallow chandlery, tannery, or bone factory, or shall steam, boil or render any tainted lard, offal or other unwholesome animal substance, shall be deemed guilty of a nuisance; or whoever shall, without the city limits, and within one mile thereof, establish or maintain any such chandlery, factory, tannery or renderery, without first obtaining the consent of the city council, or whoever having obtained such permission and consent, shall so conduct and carry on such business as to taint the air and render it offensive or unwholesome, or so as to effect the health or comfort of persons residing in the neighborhood thereof, shall be deemed guilty of a nuisance, and shall be subject to a fine of not less than two dollars nor more than twenty dollars for each offense, and to a further fine of two dollars for each day after the first conviction that any such nuisance shall be continued.

849. That the keeping of any jack, horse, dog or other animal within the city which by braying, kicking, squealing, barking or howling or in any other manner disturbs the quiet of any person or persons is hereby declared to be a nuisance, and whoever is guilty thereof shall be liable to a fine of not less than two dollars, and the like sum for every twenty-four hours he shall allow the same to remain after being notified to remove or abate the same.

850. Whoever shall commit a nuisance of any kind or description in, upon or about any private property or in any public place or grounds within the city shall be liable to a fine of not less than two dollars for each offense.

851. When any nuisance or anything likely to become a nuisance, may be found upon any premises, the owner, occupant, or agent of such premises shall be notified by the marshal or any policeman in writing to abate the same; and if such owner or his agent or occupant, whose duty it is to abate such nuisance, shall not within twenty-four hours thereafter comply with such notice, he shall be subject to a penalty of not less than two dollars.

852. Whenever any person shall be convicted of maintaining a nuisance, and shall fail to abate and remove the same, such nuisance shall be abated by the marshal, and the cost and expense of such abatement shall be paid by the person or persons responsible for such nuisance.

853. Whenever any nuisance is of such a nature or character that the continuance thereof is liable to result in injury to any person, or in expense to the city, it shall be the duty of the city marshal to abate and remove the same summarily without waiting for the conviction of the author thereof.

✓ 854. The storing or keeping in store within the city or within one-half mile of the limits thereof, and within 100 feet of any dwelling or business house, of old rags in excess of 500 pounds at any one time, is hereby declared to be a nuisance, and whoever is guilty thereof shall be fined not less than \$2.00 for each offense, and to a further sum of \$2.00 for each day after the first conviction that any such nuisance shall be continued.

855. All places where any intoxicating, malt, vinous, mixed or fermented liquors are sold or given away in violation of any ordinance of the city, and all places within said city where any of such liquors are kept on hand for sale or gift contrary to any city ordinance, and all places where any table, instrument, device or thing is kept for the purpose of gambling or with or by which money, liquors, cigars or anything of value shall be played for, contrary to any city ordinance, and all places kept for the purpose of playing poker or any other game whatever with cards or dice or other device or thing whatever for the purpose of gambling and upon which money or anything of value is staked, contrary to any city ordinance, and all bawdy and disorderly houses, houses of ill-fame or assignation within the limits of the city or within three miles of the boundaries of the city, shall be taken, held and are hereby declared to be nuisances, and whoever shall keep any such place by himself or his agent or servant shall for each offense be fined the sum of two hundred dollars, and it shall be part of the judgment upon conviction of the keeper that the place so kept shall be abated and shut up.

856. That upon the entering of a judgment for any violation of the previous section, the magistrate or court, by or before whom such judgment is rendered, shall issue an order directed to the city marshal or any police officer of the city, directing him to shut up such place and keep the same shut until the keeper thereof shall give bond, with security to be approved by the city clerk or by the court before whom the judgment was rendered, in the sum of one thousand dollars, payable to the city, conditioned that he will not sell any of such liquors upon such premises, or that no such table, instrument, device or thing shall be kept in such place for the purpose of gambling, or that such place shall not be kept for the purpose of playing poker or any other game whatever with cards, dice.

or other device or thing whatever for the purpose of gambling, or that such place shall not be kept as a bawdy or disorderly house, house of ill-fame or assignation, as the case may be. And in each instance such bond shall contain a provision that the principal therein or the occupant of the premises shall at any time during business hours or when such place shall be open for business allow the mayor, city marshal or any police officer of the city to enter such place and search for the article or articles for the keeping, using or selling of which said principal was convicted, or for improper characters supposed to be inmates thereof, he or she giving and granting such officer or officers all reasonable facilities for making such search. And in case of a violation of any of the conditions of such bond, the whole of said sum shall become due and payable to the city, and the city may sue for and recover the full amount of the sum named in the bond as fixed and liquidated damages.

857. In all cases where no provision is herein made defining what are nuisances and how the same may be removed, abated, or prevented, in addition to what may be declared such herein, those offenses which are known to the common law of the land and the statutes of Illinois as nuisances may, in case the same exists or is committed within the city, be treated as such, and proceeded against as is in this chapter provided, or in accordance with any other law which shall give the officer trying the same jurisdiction.

CHAPTER L.

ORDINANCES.

858. All ordinances passed by the city council shall be recorded by the clerk in a record book of ordinances and shall be properly indexed by their titles and subjects. The originals shall be filed in the clerk's office, and due proof of the publication of all ordinances requiring publication by the certificate of the printer or publisher shall be procured by the clerk and attached thereto, or written and attested upon the face of the record of such ordinances.

859. Whenever hereafter ordinances are published in any newspaper in the city, it shall be the duty of the city clerk to

cause three copies of the proofs of said ordinance as published, to be printed on book paper having a margin of at least one inch, one copy each for the use of the police magistrate and city attorney, and one to be filed in the clerk's office for reference.

860. When any ordinance or part thereof shall be repealed or modified by a subsequent ordinance, the ordinance or part thereof so repealed or modified, shall be in force until the taking effect of the ordinance repealing or modifying the same. No ordinance, or part thereof, repealed by the city council, shall be deemed to be revived by the repeal of the repealing ordinance unless it shall be therein so expressly provided.

861. In all cases where the same offense may be made punishable, or shall be created by different clauses or sections of the ordinances of the city, the prosecuting officer may elect under which to proceed.

862. Whenever in this or in any ordinance hereafter passed, a minimum but no maximum fine or penalty is imposed, the court or jury may in its discretion adjudge the offender or offenders to pay any sum of money from the minimum fine or penalty so fixed, to not exceeding the sum of two hundred dollars.

863. All ordinances or parts of ordinances, except when otherwise expressly provided, shall refer and apply to and be confined to the corporate limits of the municipal corporation of the city of Monmouth in Warren county and state of Illinois.

864. No fine, forfeiture, penalty, right, action, suit, debt or other liability whatever, created, instituted, incurred or accrued by or under any ordinance prior to its repeal or modification, shall be released, discharged, annulled, repealed or in any wise affected by the passage of such repealing or modifying ordinance; but the same may be prosecuted, recovered or enjoyed, or any suit or other proceedings be commenced or completed thereon, as fully and in the same manner, in all respects, as if such ordinance or part thereof had remained in full force, unless it shall be otherwise expressly provided in the ordinance making such repeal or modification.

865. No person shall be subject to any fine or penalty for or on account of any testimony which he or she may give as a witness for the city in any police or other court, nor shall such testimony be used in any manner against such witness for such purpose.

866. Whenever any words in any ordinance importing the plural number shall be used in describing or referring to any matters, parties, or persons, any single matter, party, or per-

son shall be deemed to be included although distributive words may not be used. And when any subject matter, party or person shall be referred to in any ordinance by words importing the singular number only, or the masculine gender, several matters, parties, or persons, and females as well as males and bodies corporate shall be deemed to be included: PROVIDED, that these rules of construction shall not be applied to any ordinance which shall contain any express provision excluding such construction, or where the subject matter or context of such ordinance may be repugnant thereto.

867. The word "court," when used in any ordinance, shall be construed to mean any court of competent jurisdiction, whether police magistrate's court, justice of the peace, or court of record. The word "month," when used in any ordinance, shall be construed to mean a calendar month, and the word "oath" shall be deemed to include an affirmation, and the word "sworn" to mean sworn or affirmed. When in any ordinance any act shall be required to be done within a "reasonable time," or upon a "reasonable notice," such reasonable time or notice shall be deemed to mean such time only as may be necessary in the prompt execution of such duty or compliance with such notice.

868 When any duty shall be required of or power vested in the mayor, the same shall be deemed to extend to and embrace, and may be exercised by the acting mayor also; and when any duty shall be required of or power vested in the city marshal, the same shall be deemed to extend to and to embrace, and may be exercised by the seargent of police and by policemen, unless such construction would be contrary to the terms of the ordinance, or in derogation of the city charter.

869. Whenever in any ordinance the doing of any act or thing is or may be enjoined or required as a duty, or is or may be prohibited, or is or may be declared to be a breach thereof, and there is or shall be no fine or penalty declared for such breach or for the failure or omission to do or perform such duty or for the commission of such prohibited act or thing, then in every such case any person who shall be convicted of such omission or commission, or of such breach shall be adjudged to pay a fine of not less than three nor more than one hundred dollars for each offense.

870. The revised ordinances of said city, when published in book form, by authority of the city council, shall be deposited in the office of the city clerk. He shall deliver one copy thereof to each officer of the corporation, and to such other persons as the mayor or city council may direct.

CHAPTER LI.

PAWN BROKERS, JUNK DEALERS, ETC.

871. Any person who loans money on deposit or pledge of personal property, bonds, notes or other securities, or who deals in the purchasing of personal property, or choses in action, on condition of selling the same back again at a stipulated price, or who shall at his place of business, exhibit three balls, or any other sign or device designating the business of a pawnbroker, is hereby defined and declared to be a pawnbroker.

872. Any person who keeps a store, office or place of business for the purchase or sale of junk, rags, old iron or any other old metal, paper, bagging or the like, is hereby defined to be a junk dealer; but the purchase of old metal at foundries for use in their business shall not be considered as junk dealing.

873. Whoever keeps any store, room, office or place of business for the purchase or sale of second-hand furniture, household goods, clothing, or any other second-hand articles, is defined to be a keeper of a second-hand store.

874. Every pawnbroker and loanbroker or keeper of a loan office, shall keep a book in which shall be fairly written in ink at the time of each loan an accurate account and description in the English language of the goods, article or thing pawned or pledged, the amount of money loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan, and the name and residence of the person pawning or pledging the said goods, article or thing. No entry made in such book shall be erased, obliterated or defaced.

875. The said book as well as every article or other thing of value pawned or pledged, shall at all reasonable times be open to the inspection of the mayor or any member of the police force.

876. No person licensed for either purpose aforesaid, shall take or receive in pawn or pledge for money loaned or shall take, receive or purchase in the line of his business as a pawnbroker, junk dealer, or keeper of a second-hand store, any article, property or thing from any minor or any article, property or thing, knowing it to be owned or claimed by a minor, nor from any person appearing to be intoxicated, nor from any person known to be a thief or to have been convicted of larceny, or burglary. Any person violating either of the provisions of this section shall, on conviction, be fined in a sum not less than five dollars for each and every offense.

CHAPTER LII.

POLICE MAGISTRATE.

877. The police magistrate and the several justices of the peace of this city shall keep a full and complete docket of all city cases commenced, tried and disposed of before them, and note upon the docket so kept, what disposition was made as to fines and forfeitures or steps taken in each and every case.

878. No suit or proceeding, under the laws or ordinances of the city, shall be dismissed for any defect or informality in the complaint, and amendments may be allowed in all cases upon such terms as the magistrate or court shall deem just and reasonable.

879. If the name of the defendant is unknown, he may be designated by any description by which he can with certainty be identified; and if upon arrest he shall refuse to disclose his true name, he may be tried and convicted by the designation used in the warrant. But where the true name of any defendant is known to the magistrate, or can be ascertained by him, it shall be the duty of such magistrate to place the same upon his docket.

880. In all cases of arrest made for violations of any ordinance of this city, the officer making the same, may, in his discretion, take special bail or security for the appearance of the person arrested at the proper time and place; the amount or value of said bail or security to be at least double the amount of the lowest fine and costs to which the offense is liable, but in no case to be less than ten dollars. Provided, that if special bail or security be offered, it shall be the duty of the officer making the arrest or having charge of the person arrested, before accepting such bail or security, to make out and take from such person a written waiver of service of process and of trial by jury, and an entry of appearance before the police magistrate or a justice of the peace of the city, to answer to the offense with which he may stand charged, and agreeing that the court shall try such cause at such time as may be fixed in such written waiver, and if at the time fixed said person shall fail to attend before the police magistrate or justice, the court shall render judgment by default for such amount as shall be deemed just and proper under the evidence in the case; and thereupon if such special bail or security be in money, the same or so much thereof as may be necessary to satisfy the fine and costs may be applied therefor, and the remainder, if any, be repaid by the said officer; if such special bail or security be by pledge,

the property pledged may be levied on and sold, and the proceeds applied as in the case of other sales under execution; and if such special bail or security be by bond, and the fine and costs be not paid or satisfied in some other way, suit may be brought upon such bond against the principal and his surety or sureties to the amount of the penalty of the bond, and judgment rendered by the court for the same and all costs, or so much of said penalty as shall be necessary to satisfy the judgment and costs against the principal in such bond; and provided, further that if the person giving special bail or security and signing the waiver hereinbefore provided for, shall appear at the time and place set for trial that such waiver shall not deprive him of the right of trial by jury.

881. If any person charged with any offense under the ordinances of the city shall, upon trial therefor be acquitted, and it shall satisfactorily appear to the court that the complaint or prosecution was instituted maliciously or vexatiously, and without probable cause, judgment may be rendered against complainant or prosecuting witness for the costs in the case, and execution issued for the collection of the same out of his goods and chattels.

882. That in all cases where any person or persons may hereafter be convicted of a violation of any of the ordinances of the said city, the court or magistrate before whom the conviction is had shall in its or his judgment upon such conviction order and direct that the person or persons so convicted shall be committed to the county jail or city prison until such fine, penalty and costs shall be fully paid, providing in such judgment however, that no such imprisonment shall exceed six months for any one offense.

883. That every male person who has been convicted as above provided and committed to prison in default of payment of any fine adjudged against him, may be required to work for the city upon the public streets under the supervision and control of the superintendent of streets of the city, or at such other labor as may be provided for such purpose by order or resolution of the city council, and for such work the convict so employed shall be allowed, exclusive of cost of board, the sum of fifty cents for each day's work of ten hours each on account of such fine and costs, provided, however, that if such person should fail or refuse to perform a fair and reasonable amount of work during the hours he is so employed he shall receive no credit therefor, and, provided further, that every person who when required to work as provided in this section shall without the consent of the superintendent of streets or of the city mar-

shall leave such work and abscond, he shall be subject to a penalty of not less than three and not more than ten dollars for each offense.

884. The police magistrate and each justice of the peace who may collect any fine or fines for violation of the ordinances of the city shall pay the same over to the city treasurer on or before the first day of the succeeding month, and shall on the first day of each month make a report to the city clerk, showing the number of cases, and their titles, commenced before him in which the city is a party, during the preceding month; such report shall show in what manner each and every suit has been disposed of, the amount of costs made by each party thereto, and the amount of fines and costs collected in each case, with the aggregate amount collected by him for such month; and he shall attach to such report the treasurer's receipt for all fines collected by him the preceding month.

CHAPTER L II.

PRISON—CITY.

885. The buildings and enclosures which now are or may hereafter be erected, situated upon the north end of lot one (1) block ten (10), Old Town Plat of the city, are hereby established as a city prison for the confinement and safe keeping of all persons who may be legally committed thereto by any police magistrate or justice of the peace, or other proper officer, for any violation of the laws or ordinances of the city, or for the non payment of any fine or penalty legally adjudged against such persons by any magistrate or other competent court.

886. The marshal of said city shall have charge of and be the keeper of said prison, and under him the sergeant of police and other regular police officers in the absence of said marshal or sergeant, shall be keepers thereof. And it shall be the duty of the keeper to receive into said prison all persons committed to the same from any police officer, police magistrate, justice of the peace or other court for any violation of any ordinance of the city or any breach of the peace. The keeper shall treat all persons committed to his charge with kindness and humanity, and shall not supply any person in custody with intoxicating liquors as a beverage, or suffer it to be done by others, and shall not be guilty of any lascivious behavior or other improper conduct toward any female in his custody or knowingly suffer or permit others to be guilty thereof, and he shall

see that each person in his custody shall be supplied with sufficient and comfortable bedding and with proper food.

887. Whatever expense may be incurred in the keeping of said city prison or in the care and board of persons therein shall be presented to the city council from time to time for allowance.

CHAPTER LIV.

RAILROADS.

888. No railroad company, railroad engineer, train conductor or other person, shall obstruct or impede any street, alley, sidewalk, crossing or other thoroughfare of said city, by stopping any train thereon, or by leaving any locomotive, engine, car or cars, thereon for a longer time than ten consecutive minutes, under a penalty of twenty dollars for each offense, and a further penalty of ten dollars for each succeeding five minutes that the obstruction shall be allowed continuously to remain, after the first penalty is incurred. Provided, that where any such obstruction is the result of some unavoidable accident or emergency, beyond the control of such company or its agents, this section shall not apply.

889. No railway company, or conductor, engineer, or other employe of such company, managing or controlling any locomotive engine, car or train upon any railroad track, shall run, or permit to be run within the limits of said city, any passenger train of cars at a greater rate of speed than fifteen miles an hour, nor any freight train or car at a greater speed than ten miles per hour, under a penalty, in either case, of not less than twenty dollars, nor more than one hundred dollars.

890. The bell of each locomotive shall be rung continually while running upon any railroad track within said city; and every locomotive engine, car or train of cars, running in the night time on any railroad track in the city, shall have and keep a bright and conspicuous light at the forward end of the locomotive engine, car or train of cars. If such engine or train be backing, it shall have a conspicuous light at the rear of the engine or train, so as to show the direction in which the same is moving. Any railroad company or corporation, or any agent or employe of such company or corporation, who shall violate or fail to observe any of the requirements of this section, shall incur a penalty of not less than five dollars nor more than one hundred dollars for each offense.

891. No railroad engineer, fireman or other person shall sound the whistle of any locomotive engine within this city except necessary brake signals and such as may be absolutely necessary to avoid accidents, nor shall any such person cause or permit the cylinder cock or cocks of any locomotive engine to be open so as to allow steam to escape therefrom at any time when the engine is in immediate proximity to any street or railroad crossing within said city under a penalty of ten dollars for each offense. Provided, that when such engine shall be standing at any such point or crossing in the city, and for three revolutions of the drive wheel after being put in motion the said cylinder cocks may be opened for the purpose of allowing condensed steam to escape.

892 At all railroad crossings of streets in this city, the several railroad corporations owning said roads shall construct and maintain in good repair and condition such crossings and the approaches thereto within their respective rights of way. Unless otherwise ordered by the city council the track or tracks at each crossing shall be planked between the rails, and on the outside to the end of the ties, and if more than one track between the tracks, at least 32 feet in length along the line of the track or tracks, so as to make a roadway for vehicles over each track at least 32 feet in width, and whenever a sidewalk reaches the right of way, the walk shall be continued across the right of way and track or tracks, at least the width of the walk. The plank or other material used in all such crossings for streets and sidewalks, shall be so laid and so maintained and kept, that the top of the plank or other material used for such crossings, shall be on a level with the top of the track rails, and shall be otherwise constructed and maintained so that at all times they shall be safe as to persons and property. If any such railroad company or corporation fail, neglect or refuse to comply with any of the above requirements of this section within 30 days after written notice to do so, given by the superintendent of streets or city engineer to the nearest agent of such railroad company, the city authorities shall forthwith cause such construction, alteration or repairs to be made, and such railroad company shall be holden for all the necessary cost and expense thereof, and shall also be subject to a fine of \$100 for such failure, refusal or neglect.

893. It shall be unlawful for any hack, omnibus or other vehicle for carrying passengers or baggage, to have more than one runner or porter, on the grounds of any railroad company, whose depot is located within the city, to solicit passengers or baggage. The proprietor of any hotel, hack, omnibus or baggage wagon, if engaged in soliciting passengers or baggage,

shall be considered a runner, and subject to the following rules and regulations: Every runner or porter is required to wear a metallic badge exposed to view, bearing the name of the house, if any, and number of the hack, omnibus, baggage wagon, or other vehicle he represents, and each proprietor shall be responsible for the acts of his runner or porter.

894. It shall be unlawful for any runner or porter or other person to solicit passengers or baggage, on the depot grounds, or at any other place than that provided for such purposes by the company having control of the grounds.

895. Every vehicle for which passengers are solicited at the depot, or on the depot grounds, shall have posted on the outside thereof a conspicuous placard which must be plainly visible from the platform and which may be easily seen and read by day or night by any ordinary person at least fifteen feet from the vehicle, stating in plain figures and letters the rates charged for carrying passengers, and no passenger shall be charged more than the rate on said placard, and no runner or hackman for such vehicle shall cry out or otherwise than by such placard announce the charges for such service. Nor shall any hackman or runner solicit passengers at such depot in anything but an ordinary tone of voice.

896. Whoever shall violate any of the provisions of the last three preceding sections shall be subject to a penalty of not less than three dollars for each offense.

CHAPTER LV.

STREETS AND SIDEWALKS.

897. Whoever shall encumber or obstruct any street, alley or sidewalk with merchandise, fuel or other articles of property longer than necessary for the diligent removal of the same, shall be subject to a penalty of not less than two dollars.

898. No person shall be allowed to occupy or use for vaults, areas or other purposes the space beneath the sidewalks included within the sidewalk lines of any street in said city, unless a permit therefor shall have first been obtained from the city council; such permits to continue and be issued only upon the condition that the party receiving the same shall, as a compensation for the privileges granted by said permit build, maintain and keep in repair a sidewalk over such space intended

to be used for vaults, areas or other purposes; such sidewalks to be of the material and constructed in the manner particularly specified in such permit. Provided, however, that where a permanent sidewalk is constructed the city council may order that the city pay a portion of the cost thereof. Provided, further, that the person or persons obtaining said permit shall first construct and maintain at his own cost and expense a permanent base or foundation for said sidewalk, the materials and construction of said foundation or base shall be under the supervision and subject to the approval of the superintendent of streets of said city.

899. Such permits shall specify in general terms the purposes for which the spaces under the sidewalk shall be used, and shall also contain a condition that upon the failure to construct, maintain or repair such sidewalk in accordance with any order that may from time to time be given by the superintendent of streets or city council, the permit may be declared annulled, and that all rights and privileges under such permit shall cease from the time such permit shall be declared annulled.

900. Every opening in any vault or coal hole or aperture in the sidewalk over said coal hole or vault, shall be covered with a substantial plate with a rough surface to prevent accident, and the entire construction of such holes and vaults shall be subject to the directions and supervision of the superintendent of streets, or such other person as the city council may designate.

901. The owner and tenant of the abutting estate, in front of which the coal hole or vault is thus permitted to be constructed, shall be held responsible to the city for any and all damages to persons or property in consequence of any defect in construction of such vault or coal hole or aperture leading thereto, or by reason of lack of repair of the same, or by reason of any coal hole or aperture leading thereto being left open.

902. Whoever shall leave open any excavation, ditch, hole, cellar, cellar door, vault, well, cistern, coal hole or other opening upon or near any street or open ground in the city, where persons or animals shall be liable to fall in and suffer injury, without carefully and properly guarding the same, shall be subject to a penalty of not less than five dollars.

903. It shall be the duty of any person owning or occupying any building, or having the care or control thereof, from which water may fall to the sidewalk in front thereof, to provide for the escape of such water, so it shall not spread over the

sidewalk. Whoever shall fail to make such provision shall be subject to a penalty of two dollars, and a like penalty for each day he shall neglect after notice by the superintendent of streets.

904. Whoever shall obstruct any street, alley or street crossing by unnecessarily stopping thereon with any team, vehicle, animal or other thing, or leave any team, vehicle, car, wagon or animal in the street or alley before or beside any occupied premises contrary to the wishes of the occupant thereof and shall not immediately remove the same on request of the person aggrieved, or being the owner or driver of any wagon, dray or other vehicle, shall make a permanent stand or place of stopping in front of any premises without the consent of the owner or occupant thereof, or shall lead, ride, or drive any team or beast, or drive or push any sleigh, carriage, hand-cart or other vehicle over or upon any curb or curb stone or over any sidewalk except at the proper entrances to and from the premises, shall be subject to a penalty of not less than three dollars.

905. No clothing, goods, wares, merchandise, signs, boxes, or other article or thing shall be placed in front of any store, shop, or other place in said city, or on or above the sidewalk, so as to occupy more than three feet next to the buildings or premises on such sidewalk; and when placed on the sidewalk such articles shall not be more than five feet high above the top of the sidewalk, and when placed or suspended above the top of the sidewalk shall be so placed or hung that the lowest part of such articles shall be at least eight feet above the top of the sidewalk, and shall not swing more than three feet from the building or boundary line of the lot.

906. Whoever shall expose for sale any fruit, vegetables, notions or other merchandise or any article or thing of value whatever upon any sidewalk, except in front of premises occupied by him, or in any street or public place without first obtaining consent of the occupant of the premises in front of which such display or exposure for sale shall be made, and the permit of the mayor, shall be subject to a penalty of not less than three dollars for each offense; such permits from the mayor may be revoked at any time without notice.

907. Whoever shall leave any horse or mule or any team attached to any vehicle in any street, alley or other unenclosed place within said city without the same being securely fastened or guarded, or whoever shall leave any such animal or vehicle fastened or guarded so that the same will unnecessarily inter-

ferre with traffic on such street shall be subject to a penalty of not less than one dollar.

908. In all cases of persons driving and meeting each other in vehicles, in any street or thoroughfare of the city, each person so meeting shall turn his vehicle to the right of the center of the street, so that each may pass without interfering with or accident to the other; and every person violating or failing to comply with the requirements of this section, shall incur a penalty of not less than one dollar nor more than ten dollars.

909. Whoever shall unhitch any horse or teams of any kind or leave the same unhitched for feeding or other purpose upon the public square or upon any of the following streets within the city for the purpose of feeding or resting such horse or teams, viz: Main street between Fifth avenue and Harlem avenue; A street and First street between Fifth avenue and Boston avenue; Second street between Broadway and Euclid avenue, and Broadway from the city limit on the west to the city limits on the east; Second avenue from A street to Eighth street or whoever shall expose for sale any loads of hay or straw in the public square shall be liable to a penalty of not less than one dollar nor more than five dollars.

910. Whoever shall ride any bicycle or velocipede in any of the streets or public places of the city at night between twilight and daybreak, without carrying a light, or whoever shall ride a bicycle or velocipede on any sidewalk or parking at any time, shall be subject to a penalty of one dollar.

911. Whoever shall ride or drive any horse, mule or other domestic animal, or ride any bicycle or velocipede in any street in the city so rapidly, immoderately or carelessly as to endanger or inconvenience others, shall be subject to a penalty of not less than three dollars.

912. Whoever shall run or race any horse by trotting, pacing or otherwise in any public street road or avenue in the city or shall consent to or suffer such racing to be done, shall be liable to a fine of not less than five dollars for each offense.

913. Whoever shall drive any sleigh or other noiseless vehicle drawn by animals in any street in the city without a bell attached to such vehicle or the harness with which it is drawn, shall be subject to a penalty of not less than three dollars.

914. No person in the construction of any building shall, without a written permit from the mayor, encumber or obstruct any street, alley or sidewalk with building material or other thing. Such permit shall not include the right to obstruct

more than one-third of any street or one-half of any sidewalk, or in any manner to obstruct the free passage of water in any gutter, or to continue any obstruction of street or sidewalk longer than is necessary in the due prosecution of such work of building. Nor shall such permit include the right to occupy such street or sidewalk with the work of splitting or dressing stone. All persons using a street or sidewalk for the deposit of material as aforesaid shall keep such material so placed as not unnecessarily to interfere with the public use of the street or sidewalk, and shall protect the public by suitable guards and by the display of red lights at night. Any person performing any act forbidden in this section, or failing to comply with any requirement made in this section, shall be subject to a penalty of not less than five dollars for each offense.

915. No person, not authorized by the city council, or by ordinance, shall make any excavation in any street, avenue, alley, sidewalk or public ground, within the city, without first obtaining the permission of the mayor or the superintendent of streets; and in the case of an excavation in any paved street, avenue or alley, such permission shall be in writing. Whoever violates the provisions of this section shall, upon conviction, be fined not less than five dollars nor more than fifty dollars for each offense: Provided, that this section shall not apply to any person making an excavation for the purpose of connecting any private drain or sewer, under a written permit from the city engineer or other proper officer.

916. Any person making or causing to be made any excavation or ditch for any purpose in any street, avenue, alley or sidewalk shall without any unnecessary delay cause the same to be filled up to the proper level of such street, avenue, alley or sidewalk, and in such filling up shall tamp the earth so that it will be solid when filled up and shall not cave in, and the surface thereof when filled shall conform to the proper level or grade, and any person taking up or removing any part of any paved street, avenue or sidewalk or any bridge or culvert for any purpose or negligently breaking or injuring the same shall without delay cause the same to be repaired and placed in the same condition as before the breaking and injury thereof. Whoever shall violate or fail to comply with the requirements of this section shall incur a penalty of not less than five nor more than one hundred dollars and the street superintendent shall forthwith cause such filling up or repairs to be made and completed and the costs and expenses thereof may be collected of the person or party whose duty it was to do the same and recover by separate suit in the name of the city.

917. All awnings hereafter erected, and extending over any sidewalk within that portion of the city established as the "fire limits," shall be elevated at least seven feet at the lowest part thereof above the level of the sidewalk, and shall not project over the sidewalk to exceed two-thirds of the width thereof. The roof or covering of all such awnings shall be metal or metal and glass or of duck, canvass or other suitable cloth, and they shall be supported without posts by iron brackets, or by an iron or other metallic framework, attached firmly to the building, so as to leave the sidewalk wholly unobstructed thereby. Any person who shall erect and maintain hereafter, or cause to be erected or maintained, any awning contrary to the provisions of this section, shall be subject to a fine of not less than one dollar nor more than five dollars for each offense, and to a further fine of one dollar for every day he shall fail to change or remove such unlawful awning, after written notice to do so by the city marshal or any member of the police force of said city.

918. Whoever shall erect or cause to be erected any building, fence or other structure upon the line of any street, avenue or alley of the city without first obtaining the proper line thereof from the city engineer, or whoever shall build or erect any barbed wire, or plant or grow any hedge fence within five feet of the line of any public street, avenue or alley within the city shall incur a penalty of not less than one dollar nor exceeding twenty dollars.

919. Whenever any owner or occupant of any lot shall cause or permit any excavation to be made on such lot sufficiently near the street line to endanger such street by liability to caving of the ground, it shall be the duty of such owner or occupant immediately to construct a solid and substantial wall, sufficient for the protection of such street from such liability. Any person who shall neglect to conform to the provisions of this section shall be held responsible for all damages done to the street, the result of such neglect, and shall be subject to a penalty of not less than ten dollars.

920. The superintendent of streets, when it shall come to his knowledge that any person has erected or caused to be erected any building, fence or other structure encroaching upon any street, alley or sidewalk, shall notify such person to remove the same, which notice shall give a reasonably sufficient time to perform such removal. Any violation of the provisions of this section shall subject the party offending to a penalty of not less than ten dollars for every day he shall suffer the same to remain after such notice by the superintendent of streets to remove such structure.

921. Upon the failure of the party notified to remove any obstruction from the streets, avenues, alleys or public places of the city the superintendent of streets shall cause any such incumbrance, obstruction, erection or enclosure in or upon any street, alley or sidewalk to be removed, and the costs of such removal may be collected from the person causing such obstruction, with the penalty, or in separate suit, in the name of the city.

922. The superintendent of streets may, with the approval of the mayor, when any public improvement in progress makes necessary the closing of any street or portion of street to public travel, fence or otherwise close such street, or authorize the contractor performing the work of such improvement so to do, while such necessity exists. Any person breaking down such inclosure or driving through any street closed to travel in manner aforesaid, shall be subject to a penalty of not less than three dollars.

923. Any person or persons who shall be engaged in hauling or drawing stone, mortar, earth, ashes, manure, shavings, garbage or rubbish in or through the streets or avenues of said city shall draw or carry the same in tight boxes or dump beds or barrels, and when drawing or carrying any of the aforesaid articles in case the same fall into the street or be scattered in any street or alley, shall cause the same to be forthwith taken up and removed, and for any violation of any of the provisions of this section, he or they shall incur a penalty of not less than one dollar nor more than ten dollars for each offense: Provided that in hauling dimension stone and ice no tight box shall be required.

924. It shall be unlawful for any person at any time to drive or permit to be driven over any of the streets or public grounds of the city any wagon or vehicle which with the load thereon weighs over 4,500 pounds, and not more than 8,000 pounds, and the tires of which are less than three inches wide, or any wagon or vehicle which with the load thereon weighs over 8,000 pounds and the tires of which are less than four inches wide. And whenever any city officer may see any loaded wagon or vehicle driven on the streets or public grounds of the city which may appear to him to be loaded or driven in violation of this section, he shall cause such wagon and such load to be driven to the city scales where the same shall be weighed without charge. Whoever is guilty of a violation of this section, or whoever shall fail or refuse to allow his wagon and load to be weighed when requested or directed to do so by any city officer, shall be liable to a fine of not less than five nor more than one hundred dollars.

925. Whoever shall place, throw or leave, or shall cause to be placed, thrown or left, any obstruction or incumbrance in or upon any street, avenue or alley, or public place except as authorized by ordinance, shall be liable to a fine of not less than three dollars nor more than twenty dollars, and to a further fine of one dollar for every two hours that he shall not remove such obstruction or incumbrance after being notified to do so by the superintendent of streets or any member of the police force.

926. The superintendent of streets is duly authorized and it is made his duty to order any article or thing whatsoever which may encumber or obstruct any street, alley, sidewalk or other public place in said city, to be removed; if such article or thing shall not be removed within twenty-four hours after such order shall have been made and given to the person in charge thereof, or to the person who caused the same, as the case may be, or if the person in charge thereof cannot readily be found, or if no person be in charge thereof, the superintendent of streets shall cause the same to be removed to some suitable place; and the owner of any such article or thing so removed, or the person causing the same, as the case may be, shall pay to said city all the costs and expenses of such removal.

927. All shade or ornamental trees hereafter to be set along any street shall be planted not less than eight feet from the front line of the lots. Whoever shall plant any tree contrary to this section shall be subject to a penalty of one dollar for each tree so planted, together with the costs of the removal thereof, and the superintendent of streets shall cause such trees to be removed.

928. No person shall hold a public auction in the streets of this city without a special written permit from the mayor. Any person violating the provisions of this section shall, on conviction thereof, pay a fine of not less than five dollars for each offense.

929. No gate opening upon any public street shall swing over or above any sidewalk, unless such gate shall be so constructed as to be self-closing. Any gate not conforming to the provisions of this section shall be declared a nuisance, and whoever shall erect, keep or maintain such gate shall be subject to a penalty of not less than three dollars.

930. Whoever shall ride, drive or lead any horse, mule, ass or cow or any other such animal in or through any of the public parks or parkways in the city or in or through any of the public grounds enclosed in the public square or about the court house or the public grounds about the school houses or water

works, or whoever shall hitch any such animal to any shade tree or to any fence without consent of the owner shall be subject to a fine for each offense of not less than two dollars.

931. That with the consent and approval of the city engineer and superintendent of streets, parkways may be established and fixed along the several streets and avenues of said city in front of properties owned or occupied, provided that the total width of the parkway and sidewalk on either side of the street shall not exceed one-fourth the width of the street on which located.

932. The fire department of the city shall have the exclusive right of way of any and all streets at the time of any fire or alarm of fire for going to such fire with any wagon, engine, truck or vehicle to be used in or about the business of extinguishing fires, and on all other times and occasions the police patrol wagon shall have the right of way of any and all streets, and any person or persons failing to yield such right of way or wilfully obstructing any such fire department vehicle or patrol wagon, shall be subject to a penalty of not less than two dollars.

CHAPTER LIX.

SUPPLIES.

933. It shall be the duty of the clerk to advertise in some daily paper published in the city, to be named by the council, for proposals to do the advertising of the city, and for furnishing the stationery, blanks, paper, fuel, feed and other regular supplies needed by the city or the officers thereof. The advertisement for proposals to do such advertising and furnish such supplies shall be published by making three insertions in such paper, the first of which shall be on or before the 15th day of April of each year, and the bids shall be for the term of the coming fiscal year, and shall be filed with the clerk on or before 8 o'clock p. m. of the first Monday of May of each year.

934. The proposal for advertising shall state the price per inch in length, for a column at least two and one-eighth (or thirteen ems pica) in width, for the whole time the advertisement may be legally required to be published, and the contractor shall not be allowed to charge for any additional insertion consequent upon his neglect or mistake. The bids for stationery, blanks and paper shall be according to specifications to be de-

terminated by the council, and may be let separate from the advertising. The bids for fuel and feed may also be made and let separate.

CHAPTER LVII.

WARRANTS.

935. That whenever there is no money in the treasury of the city in any department to meet and defray the ordinary and necessary expenses thereof, it shall be lawful for the proper authorities of the city to draw and issue warrants against and in anticipation of the collection of the taxes already levied by said authorities for the payment of the ordinary and necessary expenses of the city to the extent of seventy-five per cent. of the sum appropriated and levied for such respective fund, which said warrants shall show upon their face that they are payable solely from said taxes when collected, and not otherwise, and shall be received by any collector of taxes in payment of the taxes against which they are issued and which taxes against which said warrants are drawn shall be set apart and held for their payment.

CHAPTER LVIII.

WATER DEPARTMENT, RULES AND REGULATIONS.

936. That the rules, regulations and water rates hereinafter named shall be considered a part of the contract with every person, company or corporation who are supplied with water through the water system of the city; and every such person, company or corporation shall be considered to express his or their assent to be bound thereby; and whenever any of them are violated, or such others as the city council may hereafter adopt, the water shall be cut off from the building or place of such violation although two or more parties may receive water through the same pipe, and shall not be let on again except by order of the city collector and water superintendent, and on payment of the expense of shutting it off and turning it on, and such other terms as the following rules and regulations set forth, and a satisfactory understanding with the party or parties that no further cause of complaint shall arise; and in case of such vio-

lation, the city collector and water superintendent shall have the right to declare any payment made for the water by the person committing such violation to be forfeited, and the same shall thereupon be forfeited.

937. No person, company or corporation shall be permitted to tap, or make any connection with the distributing pipes of the water works of the city, unless duly authorized by the city collector.

938. All persons desiring such connection must first make written application to the city collector and with such application shall deposit the sum of \$13.00 as an advance payment of the water taxes upon the premises mentioned in said application. Thereupon such person or persons shall be entitled to a permit authorizing the water superintendent to lay suitable water pipe to the curb stone or to a point six feet from the line of the street where there shall be a stopcock and an iron cut-off box attached. The pipe to be laid to be not larger than three-fourths inch in diameter. The city collector shall place to the credit of the person or persons making such application the amount so deposited by him or them, and no water tax or license shall be charged such person or persons for the premises named in said application during the period covered by such advance payment, provided that no allowance will be made for any time in which the water shall not be used, and provided further that where a service larger than three-fourths inch is desired the amount so deposited shall be increased to cover the increased cost of the service.

939. No service, connection or other attachment to any of the water mains shall be made except by brass ferule or lead pipe up to one inch in diameter. In no case will lead pipe be allowed either in the service pipe or interior plumbing weighing less per foot than as follows:

Lead pipe $\frac{3}{8}$ in. ex. strong, 2 lbs. per foot.

Lead pipe $\frac{1}{2}$ in. ex. strong, 2 lb. 8 oz. per ft.

Lead pipe $\frac{5}{8}$ in. ex. strong, 3 lbs. per ft.

Lead pipe $\frac{3}{4}$ in. ex. strong, 3 lbs. 8 oz. per ft.

Lead pipe 1 in ex. strong, 4 lbs. 12 oz. per ft.

Lead pipe $1\frac{1}{2}$ in. ex. strong, 7 lbs. 9 oz. per ft.

All joints in lead pipe shall be wipe joints.

940. All lead pipe must be laid sufficiently waving to allow of one and one-half feet extra length, and in such manner as to prevent rupture by settlement.

941. A 4 inch main shall receive no larger than a $\frac{3}{4}$ tap; a 6-inch main no larger than a $\frac{3}{4}$ tap; no tap larger than one inch

shall be inserted in any main larger than above; where larger connections are desired two or more small taps shall be used. All taps in mains shall be at least twenty-four inches apart and on opposite sides of the pipe. No main shall be tapped nearer than 6 inches to the joint. The brass terule or nipple tapped into the main shall be one-eighth of an inch smaller than the service pipe therefrom.

942. There shall be a stop and waste cock attached to every supply pipe at the point where it enters the building, inside the same, so as to admit of the water being shut off in frosty weather and the pipes being emptied.

943. Where service pipes are intended to supply two or more distinct premises or tenements a separate service cock shall be used for each tenement or premises and the applications must be made by the person or persons controlling all of said premises or tenements.

944. No addition or alteration whatever of any tap pipe or water cock or other fixtures shall be made or caused to be made by any person taking water except through a duly licensed plumber and a permit in writing first obtained from the city collector.

945. Persons taking water must keep their service pipe and all fixtures connected therewith in good repair and protected from frost at their own expense, and must prevent all wastage of water. Hydrants, taps, hose, water closets, baths or other fixtures, will not be permitted to be kept running when not in actual use. The water will not be turned on to any premises having wasteful or improper fittings.

946. The application for water must be made to the city collector upon blanks furnished by the city therefor, and must state fully all purposes for which water is required. Consumers must answer without concealment all questions put to them by the city collector or water works superintendent relative to water consumption and in case of any fraudulent representation on the part of the consumer payment will be forfeited and the supply of water stopped. The city collector shall at once make a record of such application in a book kept by him for that purpose and shall then file such application in his office.

947. No person in the possession or occupancy of premises having city water service connection shall supply or suffer any other person or family not living in or upon the same premises, to use or take water therefrom, except for drinking on the premises, unless a permit for such use shall first be granted to such person or family by the city collector. Contracts or leases may be transferred by parties desiring to vacate premises to

other parties about to occupy the same, but the city will not refund for any unexpired water leases under any circumstances

948. No claim shall be made against the city by reason of the breaking of any main pipe, service pipe, or cock, or for any other interruption of the supply, or by reason of the breaking of machinery, or stoppage for necessary repairs unless the delay exceeds 10 days, and no deduction will be made for any time that private water pipes may be frozen.

949. Plumbers are strictly forbidden from turning the water into any service pipe except upon the order or permission of the city collector or water works superintendent, unless it be for testing the pipes.

950. Parties desiring water for cisterns, or other intermittent supply, will be charged regular rates as per schedule, or they may furnish at their own expense a water meter of an approved pattern and pay the regular meter rates.

951. Consumers of water shall, at all reasonable hours, permit the city collector or water works superintendent to enter their premises and examine the manner in which the water is used, and in case they find that the water is wasted on account of negligence or for want of repairs they shall leave notice thereof, and if such waste is not remedied within twenty-four hours thereafter, or time extended by special agreement, the water shall be cut off and shall not be turned on again until the sum of two dollars has been paid to the city collector, such amount to go to the credit of the water works fund.

952. In case of fire or alarm of fire during the hours in which sprinkling is permitted, any person then using water for sprinkling shall at once shut off the water and cease such sprinkling until it shall be ascertained that such fire has been extinguished or that such alarm has been false; nor shall any person draw water for lawn or street sprinkling after an alarm of fire until such fire shall be extinguished, or until it is known that the alarm was false.

953. In sprinkling streets each water taker must confine himself to the exact frontage paid for, and to one-half the width of the street in front thereof. Persons engaged in sprinkling streets with a sprinkling cart, by agreement with citizens therefor shall be permitted the use of water for street sprinkling purposes only at schedule rates, but said city reserves to itself the right to discontinue such water supply whenever the public exigencies require the same; and also the right to exercise such supervision, over such street sprinklers as will prevent unnecessary waste of water or injury to streets from excessive sprinkling.

954. Hose larger than three-fourths of an inch will not be allowed, except upon an additional charge therefor; and using hose without a nozzle or with a larger opening than one-fourth of an inch, is forbidden. For washing buggies and carriages one-eighth of an inch opening only is permitted. Leaky hose attachments suffering the water to run to waste when not in use or using the same for purposes not included in the permit, are all strictly prohibited. Adjusting hose upon temporary or fixed supports, or devices of any kind, arranged to sprinkle automatically for the purpose of cooling walls, or atmosphere, etc., will be regarded as fountains and will be subject to the rates for such.

955. If proprietors of manufactories, lumber yards, halls, stores, elevators, warehouses, hotels or public buildings, being regular consumers of water from the works, wish to lay large pipes with hydrants and hose couplings to be used only in case of fire, they will be permitted to connect with the street mains at their own expense upon application to the city collector or water works superintendent, and under their or his direction, and will be allowed the use of water for fire purposes only, free of charge, but all such pipes must be provided with a suitable valve which must be sealed by the city collector or superintendent of water works, and a stop and waste cock attached at the bottom on inside of building. In case the seal is broken for the extinguishment of fire, the party shall immediately give notice to the city collector or water works superintendent, and in case such seal shall have been broken for any other purpose the party so offending shall be fined the sum of twenty-five dollars.

956. The tapper shall be appointed by the mayor by and with the advice of the city council for the term of one year, or until his successor shall be appointed. At the time of receiving the appointment, the tapper shall execute and deposit in the office of the city clerk a bond, with one or more sureties to be approved by the city council in the sum of five hundred dollars, that he will indemnify and save harmless the city of and from all damages caused by any careless or improper work done by him in connection with tapping and inserting corporation cut-offs. The tapper shall be held responsible to the city for any damage done by him in tapping mains, or withdrawing taps, either to the pipe or to the stop cocks, or tapping machine. He shall pay for all stop cocks damaged by careless or improper work, and shall promptly execute the work of tapping when called upon. Within twenty-four hours after completing any attachment, or connection, the plumber shall make a true report upon blanks for that purpose, to the city collector of the number of rooms, water closets, bath tubs and other fixtures

used on the premises and all the contemplated use of water therein and the location and length of the service pipe, according to the rules and regulations, as the water will not be turned on to any premises until complete returns are so made.

957. The annual water rates or taxes which shall be paid by every person using water of the city water works shall be as follows, to-wit: For

Armories	\$ 10 00
Bath tubs, private	2 50
Bath tubs, public, each	6 00
Bath tubs, hotel and boarding house, each	6 00
Boarding houses, per room	1 00
Barber shops, one chair	3 00
Barber shops, each additional chair	2 00
Billiard rooms, for drinking and scrubbing exclusively each table	2 00
Bowling Alleys	5 00
Building purposes, for 1,000 brick, mason's measure- ment	15
Building purposes, plastering for 100 yards, plasterer's measurement	30
Building purposes, laying stone, per perch	04
Banks	6 00
Blacksmith shops, one fire	3 00
Blacksmith shops, each additional fire	1 50
Cigar manufactories, six men or less	5 00
Cigar manufactories, each additional man	25
Cisterns filled, 100 barrels or less	\$2.00 to 5 00
Churches	1 00
Carriage shops, five persons or less	5 00
Carriage shops, each additional person	25
Carriage shop, extra fires, (see blacksmith shop).	
Club rooms	6 00
Dental offices	5 00
Fountains, for a season not to exceed 7 months and to be used not to exceed 10 hours per day—	
Fountains, 1-16 inch orifice	8 00
Fountains, 1-8 inch orifice	15 00
Fountains, 3-16 inch orifice	30 00
Fountains, 1-4 inch orifice	50 00
Fountains, 1-2 inch orifice	100 00
Fountains, vegetable	4 00
Houses, six rooms or less	5 00
Houses, each additional room	25
Houses, each additional family	4 00

Houses, six rooms or less, with sprinkling, 66 feet or less, from yard hydrant or sill cock	7 50
Houses, each additional hose	2 50
Houses, each additional front foot	03
Houses, using water from neighbor's fixtures, per quarter, \$1.25, per year	5 00
Hotels, per room	1 00
Lodging and boarding houses, six rooms or less, per room	1 00
Lodging or boarding houses, each additional room	25
Offices with wash basin, occupied by not more than two persons	3 00
Offices, each additional person	1 00
Public Libraries	1 00
Photograph galleries	10 00
Printing offices (horse boilers extra)	6 00
Stores for the sale of goods (except liquors, milk or drugs, 22 ft. front or less)	6 00
Stores, each additional foot frontage	10
Saloons, for bar purposes	20 00
Stables, private, one horse and buggy washing	2 00
Stables, private, each additional horse or cow	1 00
Schools, public	1 00
Schools, private, seminaries and colleges, special or meter rates.	
Sprinkling carts, per wagon per month	20 00
Steam boilers for heating (22 feet front or less) per floor	1 00
Stands for polishing marble	5 00
Urinals, self-closing	3 00
Urinals, for hotels, boarding houses, club rooms (using $\frac{1}{8}$ inch jet)	5 00
Urinals, same, self-closing	3 00
Urinal for store, banks and offices, self-closing	2 00
Urinals, private houses	1 00
Work shop, 10 persons or less	3 00
Work shop, each additional person	25
Water closets, private dwellings	3 50
Water closets, public, each bowl	6 00
Wash bowls, stationary	1 00
Yard sprinkling, 66 feet front or less, 166 feet deep or less, with nozzle not over $\frac{1}{4}$ inch in diameter, for a season from April 1st to November 1st, from a street washer	4 00
Yard sprinkling if yard hydrant is used, house rates will be charged.	

Yard sprinkling, each additional front foot----- 05

When two or more dwellings are constructed upon one lot, supplied with a yard hydrant, all the dwellings on such lot must be included at the regular rates in the collection of water rent upon such hydrant, and in construing the foregoing water rates the rates for bath tubs, water closets and urinals shall not be deemed to be included in the rates for the buildings wherein the same are situated. And all persons using any hydrant or hose pipe connected with the city water works, for the purpose of sprinkling streets, sidewalks and lots within said city, shall use, or suffer the same to be used for two hours per day only, between the hours of 6 and 7 in the morning and the hours of 6 and 7 in the evening, unless by special permit in writing therefor signed by the superintendent of water works. Provided, that all the water rates, taxes and assessments provided for in this section shall be paid quarterly in advance, on the first day of April, July, October and January of each year; one-fourth the said annual assessments being due for each quarter.

958. All manufacturing and other establishments requiring a large supply of water, and livery stables, bakeries, bottling works, butcher shops, candy factories, dye houses, lunch counters, drugstores, soda fountains, gas works, gymnasiums, halls and theaters, laundries, race tracks and fair grounds, restaurants, railroads, steam boilers, urinals and water closets for stores, banks and offices, water troughs and all water power motors shall be required to use a meter, and meters may be used in other cases for other property. The premises supplied through meters or other equivalents shall be assessed on the basis of consumption as follows:

1st	10,000	@	35c—\$	3.50	for	10,000.
2d	10,000	@	30c—	6.50	for	20,000.
3d	10,000	@	25c—	9.00	for	30,000
4th	10,000	@	20c—	11.00	for	40,000.
5th	10,000	@	15c—	12.50	for	50,000.
6th	10,000	@	10c—	13.50	for	60,000.
7th	10,000	@	10c—	14.50	for	70,000.
8th	10,000	@	10c—	15.50	for	80,000.
9th	10,000	@	10c—	16.50	for	90,000.
10th	10,000	@	10c—	17.50	for	100,000.
11th	10,000	@	10c—	18.50	for	110,000.
12th	10,000	@	10c—	19.50	for	120,000.
13th	10,000	@	10c—	20.50	for	130,000.
14th	10,000	@	10c—	21.50	for	140,000.
15th	10,000	@	10c—	22.50	for	150,000.

16th	10,000	@	9c—	23.40	for	160,000.
17th	10,000	@	8c—	24.20	for	170,000.
18th	10,000	@	7c—	24.90	for	180,000.
19th	10,000	@	6c—	25.50	for	190,000.
20th	10,000	@	5c—	26.00	for	200,000.
5c per 1,000 gallons for all over 200,000,						

payable monthly: PROVIDED, that all bills for water furnished at meter rates shall be subject to the following discount if paid on or before the 10th day of the succeeding month, to-wit:

2,000 to 10,000 gallons, 10 cents on each 1,000 gallons.

10,000 to 20,000 gallons, 8 cents on each 1,000 gallons

20,000 to 30,000 gallons, 5 cents on each 1,000 gallons.

30,000 to 40,000 gallons, 2 cents on each 1,000 gallons.

and, provided further, that a minimum rate of fifty cents per month, is hereby fixed for all premises where meters are located, and bills for said amount will be rendered each month, when bills computed at meter rates would be less. The occupants of all premises where meters are located shall see that at no time obstructions are placed on or around the meter in such a way as to prevent access to the meter for the purpose of reading, inspecting or taking the same out for repairs; and at such premises where such obstruction may be found the water shall be shut off until such obstructions are removed. And provided further, that whenever a meter shall be applied for, the party desiring the same or for whose use it is to be furnished, shall advance to the city the sum of twelve dollars for the use of each meter, and shall thereupon be credited with said sum on water rates or rents.

959. That there is hereby levied and assessed against each lot or parcel of land within the city in or upon which water furnished or supplied by the city is used, a sum corresponding to the rates assessed in the foregoing tables for annual and meter rates; each lot or parcel of ground being assessed and held responsible for all said water supplied or furnished and used thereon.

960. At any time after any money becomes due the city for water furnished under any of the ordinances of the city, it shall be lawful for the city attorney of the city to commence suit in an action of debt for such money, in any court of competent jurisdiction, in the name of the city of Monmouth, against the owner, at the time, of the premises for or upon which the water was furnished, or against the person or persons using or consuming such water, and to prosecute such suit to final judgment; or said city attorney may in the name of

the city, commence suit against the owner, occupier or person in possession of the premises, for or upon which such water had been furnished, jointly or severally, by petition to be filed in the circuit court of Warren county and State of Illinois, which petition shall state the amount due the city, and shall give a full description of the premises for or upon which the water sued for was furnished, and shall pray that a decree be rendered for the amount due, and that the same be declared a lien upon such premises, and that such premises, or the interest therein of the parties sued, may be sold as in ordinary cases in chancery under the laws of the State of Illinois to satisfy the decree

961. That in all cases where default is made in payment for water furnished by the city, in accordance with the ordinances thereof, the superintendent of the water works of the city, upon notice of the default from the city collector, shall shut off the water from the premises for which such default occurs, and the water shall not again be turned on or furnished to any person, in or upon such premises, until all arrearages thereof, together with all fines or penalties in connection therewith, or costs made in any suit therefor, shall be fully paid.

962. Whoever shall in any manner injure or obstruct the access to any stop cock, hydrant or valve connected with any water pipe within any street, alley or common of said city, or whoever shall injure any meter or throw any substance of any kind into the city reservoir, shall be subject to a penalty of not less than five dollars nor more than fifty dollars for each offense.

963. All hydrants constructed in the city for the purpose of extinguishing fires in such city are hereby declared to be public hydrants and no person or persons other than members of the fire department of said city for the use and purpose of said department and those especially authorized by the fire marshal and water works superintendent shall open any of said hydrants, or attempt to draw water from the same or in any manner interfere with or injure any of said hydrants. Any person violating the provisions of this section shall be subject to a penalty of not less than ten dollars nor more than two hundred dollars for each offense.

964. Whenever in the judgment of the mayor of the city the public exigency requires it, he shall have the right and authority by proclamation to the public in one or more newspapers printed within the city to limit in respect to time or wholly suspend and prohibit for such length of time as such exigency shall in his judgment require, the drawing or use of

water for public or private fountains and for street or yard sprinkling, or for either of such purposes. Any person or persons using or drawing water in violation of such proclamation, shall be subject to a penalty of not less than one nor more than fifty dollars for each offense.

965. That the entire proceeds arising from the operation of the water system herein provided for shall be paid into a fund known as the "Water Fund," and which fund shall be and remain inviolate until the certificates issued under the terms of an ordinance entitled "An ordinance providing for the extension and enlargement of the existing water works system of the City of Monmouth," approved February 6, 1900, and the amendment thereof approved April 19, 1900, and the interest thereon is fully paid, and no warrants nor orders shall be drawn against said fund nor shall the city treasurer pay warrants or orders drawn on the said fund unless the same be drawn in payment of the necessary operating expenses of said water works system or in payment of the said certificates of indebtedness, or the interest thereon.

CHAPTER LIX.

WATER DEPARTMENT—SANITARY PLUMBING.

966. Every person desiring to do any plumbing work in connection with the water works of the city shall first obtain a certificate as master, employing or journeyman plumber as required by the laws of the state and shall also obtain a plumber's license as provided in Chapter XLI of these ordinances. Accompanying the application for such license shall be a bond signed by two or more sureties to be approved by the mayor in the sum of one thousand dollars, conditioned that he or they will indemnify and save the city harmless from all accidents and damages caused by any act, omission or negligence upon the part of the said plumber or plumbers, his or their agents or servants in either the execution or protection of his or their work or for any unfaithful or inadequate work done under and by virtue of his or their license. And any person doing any plumbing within the city or doing or attempting to do any drainage within any building within the city without having a plumber's license as herein required, shall be subject to a penalty of not less than ten dollars for each offense.

967. The city engineer, in addition to the duties required

of him as such engineer, shall be plumbing inspector of the city. He shall not during the term of his office engage in the occupation of plumbing or be interested directly or indirectly in any firm or corporation engaged in the business of plumbing during his term of office. He shall as such plumbing inspector have the authority of a policeman of the city and shall be charged with the enforcement of this chapter of this ordinance and shall have power to act in all such cases not distinctly covered thereby. He shall have charge of all papers relating to this office, the issuing of permits, the approval of drainage plans and the inspection of house drainage in new or old buildings. He shall make a written report to the city council at the close of his term, giving a synopsis of his year's work and make such recommendations as may seem to him valuable for the improvement of sanitary house drainage or plumbing.

968. He shall have access at all reasonable hours of the day to all buildings of the city for the purpose of inspecting the plumbing and drainage and if the same is not in accordance with the provisions of this ordinance he shall report the same in writing to the mayor who shall serve notice of any changes needed on the owner or owners or occupants of the building and if such owner or owners or occupants do not comply with the provisions of such notice within a reasonable time after the service thereof he or they shall be subject to a fine of five dollars for each day that expires thereafter.

969. The inspector shall inspect the system of plumbing and draining in any building when requested to do so by the owner or occupant thereof, or by any owner or occupant of adjacent premises. Such request shall be in writing describing the premises to be inspected, and accompanied by a fee of two dollars in each case. Such fee shall be retained by such inspector unless the same be advanced by an occupant or owner of adjacent premises, when, if the plumbing or drainage of the premises inspected be found to be faulty, the fee shall be returned and the owner of the inspected premises shall be liable therefor and shall pay the same to the inspector. And the owner of such inspected premises shall upon notification by the mayor proceed to put such plumbing or drainage in proper condition, and upon failure to do so, within a reasonable time, he shall be liable to a fine of five dollars for each day that expires thereafter.

970. It shall be the duty of any architect or builder proposing to erect or superintend any new building, or the alteration of any old building within or for which any plumbing or drainage is proposed to be done or changed, to submit plans for plumbing or drainage or change therein to the inspector for his

approval, and if upon examination the inspector shall approve of such plans he shall issue a permit for the doing of such work in accordance therewith. No material change in such plans shall thereafter be made without like written permit from the inspector. The fee for such permit shall be one dollar for work costing one hundred dollars or less and one dollar additional for each additional one hundred dollars or part thereof. All fees shall be paid to the inspector and by him to the city treasurer.

971. All permits shall be issued in duplicate and numbered consecutively and dated. One copy to be kept on file in the office of the inspector, and shall be good for one year from date of issue. If work is not completed within that time the permit shall be returned and a new one issued.

972. The inspector shall examine all plumbing in process of construction and when notified he shall examine the tests for leaks and issue certificates of inspection when approved.

973. When a slope of one-fourth inch to each foot of run cannot be obtained, or when the ground is newly made ground or of yielding nature, and also for that part of the house sewer which is under the building and extending two feet beyond the wall line, the sewer shall be constructed of material similar to that required for soil pipe. No iron sewers shall be permitted with less slope than one-eighth ($\frac{1}{8}$) inch to the foot.

974. Vertical soil pipes shall be of extra heavy cast iron four (4) inches inside diameter, coated while hot both inside and outside, with asphaltum or tar, or four (4) inch galvanized wrought iron pipe of standard weight. They shall extend through the roof for ventilation no less than two feet. If receiving a discharge from more than ten water closets and ten other fixtures, or the equivalent thereof, they shall be increased in size as required by the inspector.

975. Standing waste pipes shall be two (2) inches in diameter, unless receiving the discharge from more than five (5) fixtures, they shall be increased one (1) inch in diameter for each five or less additional fixtures, in other respects the waste pipes shall be similar to the soil pipes.

976. No waste pipe or trap for any fixture shall be of less internal diameter than the following schedule: Wash basin, $1\frac{1}{4}$ inch; bath tub, $1\frac{1}{2}$ inch; urinal, $1\frac{1}{2}$ inch; kitchen sink, $1\frac{1}{4}$ inch; slop sink, 2 inches; laundry tray, $1\frac{1}{2}$ inch; water closet, 4 inches.

977. All waste pipe and fixtures other than water closets must be provided at the outlet of such fixtures with strong metallic strainers to exclude from such waste pipes all substances likely to obstruct them.

978. All iron pipes (cast) must be sound, free from holes or cracks, and of a grade known to the trade as extra heavy. The following weights per lineal foot will be accepted as complying with this ordinance:

2 inch	5½ lbs	per lineal foot.
3 inch	9½ lbs.	per lineal foot.
4 inch	13 lbs.	per lineal foot.
5 inch	17 lbs.	per lineal foot.
6 inch	20 lbs.	per lineal foot.

All fittings used in connection with such pipe shall correspond with it in weight and quality.

979. There shall be a running trap in an accessible position in main house drain with a four (4) inch clean out on the sewer side and a four (4) inch fresh air inlet on the house side. The position of fresh air inlet to be approved in permit. A four (4) inch band hole with cap screw shall be provided at or near each change of direction in main house drains. When the vertical pipe is more than thirty (30) feet in height, it shall rest at the base on a pier foundation acceptable to the inspector. Pipes shall be supported on pipe rests as directed by the inspector.

980. The vertical soil pipe shall have separate Y or sanitary T waste connection for each fixture. Double Y's or separate fittings may be used.

981. The main pipes shall be run with as few off-sets as possible. Off-sets on horizontal pipes shall be made with one-eighth and one-sixteenth bends. No horizontal pipes shall be permitted to exceed six feet. The cast iron pipes shall be left uncovered except if necessarily left in recesses when they may be covered by boards which can readily be removed for inspection, said boards shall be fastened with screws. The joints shall be filled by tamping soft pig molten lead over a small gasket of picked oakum.

982. If the Durham system of house drainage shall be used, it shall comply with a special permit from the inspector, and shall in all respects be subject to his approval.

983. Each fixture connected with the drainage system shall be separately and effectually trapped. In no case shall the waste from the bath tub or other fixture be connected with a water closet trap or revent connection of the same. Traps shall not be placed more than two (2) feet from the inlet of the fixture. They shall have some means of clean-out exposed to view and easily accessible, and shall have a perfectly smooth interior.

984. A grease trap or catch basin of approved pattern shall be used in connection with slop sinks, kitchen or pantry sinks in all hotels, laundries, eating houses and boarding houses and all establishments discharging oily matters into the sewer.

985. All traps shall be protected from syphonage and such anti-syphon traps only shall be permitted as are approved by the inspector. They shall in no case be placed more than four (4) feet from the vertical pipe.

986. Revent pipes shall not be less than inside bore of trap for branches or two (2) inches for the vertical pipe. If more than five fixtures are revented from one pipe, the main revent shall be increased as required by the inspector. The revent pipe shall extend up through the roof. If less than five fixtures discharge in the vertical pipe, the revent may be revented into the vertical pipe two feet or more above the waste of the highest fixture. No revent pipe shall be allowed to run so as to form a trap. Each revent shall have a trap screw wiped into it not more than six (6) inches above its connection with the trap unless the revent is connected to trap with a brass union. No brick, sheet metal, earthenware, or chimney flue shall be used for a sewer ventilator, or to ventilate any trap, soil or waste pipes.

987. Revent pipes shall be of cast iron, wrought iron or lead. If cast iron they shall conform in quality to the requirements for soil or waste pipe. If of wrought iron they shall be tested to five hundred (500) pounds per square inch hydraulic pressure. They shall be connected with screw joints and red lead and proper iron fittings similarly coated. If lead is used for vent pipes, or for branch waste pipes, it shall have a weight of not less than the following:

1 in. pipe	2 lbs. per foot.
1½ in. pipe	2½ lbs. per foot.
1¾ in. pipe	3¾ lbs. per foot.
2 in. pipe	5 lbs. per foot.
3 in. pipe	6 lbs. per foot.
4 in. pipe	8 lbs. per foot.

988. When the leaders for rain water are permitted to connect with the sewer this shall be done preferably at the highest point. If outside of the house, the leaders may be slip joints sheet metal connected with the tile sewer pipe extended six (6) inches above the ground. If inside of the house, they shall be of cast or wrought iron in all respects similar to the requirements for soil pipe. Such connection shall be made

with a combination lead and brass ferrule soldered over the tin and calked in the hub of the pipe.

989. The subsoil drainage pipes from the cellar or elsewhere, shall if connected with the sewer, discharge into a water tight basin. There shall be a running trap not more than one foot from the sewer, and a brass trap screw or check valve to prevent back pressure. This basin shall receive no other waste.

990. Floor washes may be connected with the sewer when the inlet is protected with a four (4) inch brass trap screw and a running trap not more than one foot from the sewer. Area drains when connected with the sewer shall have a metallic strainer and a four (4) inch trap or hand hole protected against frost, preferably located in the cellar.

991. No fixture shall be permitted to be boxed in or enclosed with sheeting or doors. All shall be open plumbing. When fixtures are removed for repairs, or other purposes, they shall not again be boxed in. All fixtures except water-closets, shall waste through strong, approved fixed metallic strainers. All fixtures shall be non-porous and non-absorbent. The overflow from fixtures shall connect with waste on house side of trap.

992. Water closets shall be placed in rooms opening to the outside air in all buildings erected six months after the passage of this ordinance. If opening into an air shaft, the same shall not be less than nine (9) square feet in area. Each water closet within the house shall be supplied from special tanks of five (5) gallons capacity or more, and used for no other purpose. The flush pipe shall not be less than one and one-quarter inches inside diameter. The trap shall be in the bowl and above the floor with a large body of water exposed to view and sufficient immediately to cover and thus temporarily disinfect and deodorize the excreta. No closets requiring mechanical devices, such as the "Plunger" closet, shall be allowed. When such closets are removed for repairs they shall not again be used in any work under this ordinance.

993. When water closets are placed outside of buildings they shall be separately trapped and flushed automatically with seat action. All shall be protected from frost, and the part under ground placed in a compartment to permit access to the valve in case of repairs. The enclosure of water closets shall be ventilated with slatted openings in doors and roof. The waste water from hopper cock shall be trapped and properly connected on inlet side of main trap. In tenement houses, one water closet must be provided for each two families.

994. When the drainage system is completed the entire plumbing and drainage system within the building must be tested by the plumber in the presence of the inspector, under a water or air test as directed. All pipes must remain uncovered in every part until they have successfully passed the test. The plumber must securely close all openings as directed by the inspector. The use of wooden plugs for this purpose is prohibited.

995. The inspection of work shall in no case be delayed over twenty-four hours after notice of completion is rendered. No notice to inspect shall be given until all is complete.

996. An alternate test with air pressure may be employed by the plumber at his option, at not less than four (4) pounds atmospheric pressure with force pump and mercury column of not less than ten (10) inches. The use of spring gauges is prohibited.

997. When the fixtures are connected and all complete another test shall be made by the plumber under the direction and in the presence of the inspector. This test shall be the peppermint test, using five ounces of the oil of peppermint for each line of pipe. Rubber connections shall not be used on any pipe or fixture connected to drain or sewer.

998. No privy vaults shall be connected with the street sewer. No house drainage shall discharge into a privy vault where sewer connections can be made.

999. If drainage pipes are put in for future use, they shall have all openings closed by soldering or calking up perfectly tight and tested by the water test.

CHAPTER LX.

1000. The foregoing, from Section 359 to 999 inclusive, together with this section and the one following it shall be denominated "The Revised Ordinances of the City of Monmouth," and shall be printed and published in book form, and all public or general ordinances or parts thereof not included in this ordinance, so far as they conflict or are inconsistent with the provisions of this ordinance are hereby repealed, so far only as shall relate to offenses committed from and after the taking effect hereof. Private or special ordinances, orders and resolutions of

the city council are not repealed unless repugnant to the provisions of this ordinance.

1001. This ordinance shall take effect and be in force ten days after its publication.

Passed October 10, A. D. 1900.

Approved October 11, A. D. 1900.

W A SAWYER, Mayor.

: CORPORATION :
: SEAL :

Attest:
J. S CANNON. City Clerk.

Published in book form by the authority of the city council of the City of Monmouth, Illinois, November 22, A. D. 1900.

SPECIAL ORDINANCES.

SPECIAL ORDINANCES.

The following Special Ordinances passed on the dates noted, will be found recorded in Ordinance Record volumes and pages as given:

An ordinance for laying out and opening an alley across and over the west part of lot two, in block ten, in the original town plat of Monmouth. December 29, 1876. Vol. 1, p. 181.

An ordinance providing for the erection of Gas Works. January 3, 1876. Vol. 1, p. 173.

An ordinance defining what shall be a substantial commencement of Gas Works. February 5, 1877. Vol. 1, p. 183.

An ordinance granting the right of way to the Burlington, Monmouth and Illinois River Railroad Company upon and over certain streets. April 2, 1877. Vol. 1, p. 184.

An ordinance to provide for the opening of parts of Cedar, Wood, Warsaw, Lancaster, Pine, Warren and Locust streets. December 3, 1877. Vol. 1, p. 192.

An ordinance defining Harding street and widening the north end of Harding and the south end of Wood streets in the City of Monmouth. March 10, 1879. Vol. 1, p. 204.

An ordinance to provide for the widening of South street in the City of Monmouth. June 6, 1881. Vol. 1, p. 230.

An ordinance granting permission to erect and maintain a system of Telephones or a Telephone Exchange in the City of Monmouth. December 5, 1881. Vol. 1, p. 230.

An ordinance in relation to the grade of Depot and Eagle streets and to require the Central Iowa Railroad to conform tracks to said grade. August 6, 1883. Vol. 1, p. 255.

An ordinance in relation to the extension of Oak street. October 5, 1885. Vol. 1, p. 327.

An ordinance granting privilege for the erection of poles and the stringing of electric light wires thereon, in, on and along the streets and alleys of the City of Monmouth. March 1, 1886. Vol. 1, p. 340.

Water works ordinance. July 2, 1888. Vol. 1, p. 418.

An ordinance in relation to the granting the right to the Central Iowa Railway Company to change the location of their switch tracks. September 3, 1888. Vol. 1, p. 430.

Water works bond ordinance. September 3, 1888. Vol. 1, p. 435.

Water works bond ordinance. September 15, 1888. Vol. 1, p. 436.

An ordinance in regard to water works rates. March 28, 1889. Vol. 1, p. 448.

An ordinance in regard to water works rates. May 5, 1890. Vol. 1, p. 492. An ordinance amending an ordinance establishing water rates, etc. July 7, 1890. Vol. 1, p. 503.

An ordinance changing the names of the streets of the city. January 5, 1890. Vol. 1, p. 517.

An ordinance in relation to the opening of the alleyway through block seven, South addition to the City of Monmouth. March 2, 1891. Vol. 1, p. 527.

An ordinance to vacate block thirteen, Sipher's Addition to the City of Monmouth. June 1, 1891. Vol. 2, p. 9.

An ordinance regulating the use of city water. June 3, 1891. Vol. 2, p. 12.

An ordinance to authorize the Monmouth Motor Street Railway Company to construct, operate and maintain a street railway; and to furnish power, light and heat. June 3, 1891. Vol. 2, p. 14.

An ordinance relating to electric lights. Granting franchise to the Edison Illuminating Company. September 12, 1892. Vol. 2, p. 156.

An ordinance to vacate the alleyway through Block Three South Addition to the City of Monmouth. November 7, 1892. Vol. 2, p. 166.

An ordinance vacating a part of East Eighth Avenue. July 3, 1893. Vol. 2, p. 210.

An ordinance providing for the issue of bonds. February 19, 1894. Vol. 2, p. 232.

An ordinance granting permission to the Merchants Telephone Company to erect and maintain a system of telephones, or a telephone exchange. March 20, 1894. Vol 2, p. 241.

An ordinance in reference to water services. June 4, 1894. Vol. 2, p. 249.

An ordinance to borrow money on the credit of the corporation, and issue bonds therefor to the amount of \$2,000.00 to provide means for making extensions to the water works system. June 8, 1894. Vol 2, p. 252.

An ordinance to provide for the issue of \$15,000.00 bonds to refund the like amount of water works extension bonds outstanding. June 16, 1894. Vol. 2, p. 254.

An ordinance in reference to the payment of a part of the costs of cement sidewalks. July 3, 1894. Vol. 2, p. 259.

An ordinance to permit the Standard Oil Company of Kentucky, to erect buildings and tanks for the storing and handling the products of petroleum. July 3, 1894. Vol 2, p. 263.

An ordinance for the widening South Third Street from the north line of Sixth Avenue to the south line of the right of way of the C. B. & Q. R R. November 12, 1894. Vol 2, p. 302.

An ordinance to borrow money on the credit of the corporation and issue bonds therefor to the amount of three thousand dollars to provide means for the making extensions to the water works system. March 4, 1895. Vol. 2, p. 307.

An ordinance granting right of way through the streets and alleys and over public grounds and permission to erect and maintain a system of telephones and telephone exchange within the city of Monmouth and to protect the same. April 30, 1895. Vol 2, p. 312

An ordinance in relation to water rates and taxes. November 18, 1895. Vol. 2, p. 344.

An ordinance granting permission to erect and maintain a system of telephones or telephone exchange in the City of Monmouth. July 12, 1897. Vol. 3, p. 51.

An ordinance to amend an ordinance entitled, "An ordinance to provide for the issue of ten thousand (\$10,000) dollars bonds to refund the like amount of Water Works' Bonds outstanding. August 2, 1897. Vol. 3, p. 63.

An ordinance providing for the vacation and closing of a part of the alley in block 17, in the South Addition to the City of Monmouth. September 5, 1898. Vol. 3, p. 136.

An ordinance for the opening and extension of South Third Street in the City of Monmouth. December 5, 1898. Vol 3, p. 167.

An ordinance to provide for the issue of \$3,000.00 in bonds to refund the like amount of outstanding bonds issued for the extension of water service. March 6, 1899. Vol. 3, p. 179.

An ordinance to amend "An ordinance to provide for the issue of \$3,000.00 in bonds to refund a like amount of outstanding bonds issued for the extension of water service." March 20, 1899. Vol. 3, p. 187.

An ordinance authorizing the mayor to attend the sale of lands for taxes and special assessments and making it his duty to bid thereat in the interests of the city if necessary. May 3, 1899. Vol. 3, p. 199.

An ordinance regulating extension of telephone systems, etc. May 15, 1899. Vol. 3, p. 203.

An ordinance granting to the Central Union Telephone Company the right to erect and maintain its poles and lines in the City of Monmouth, on the conditions therein provided. August 21, 1899. Vol. 3, p. 234.

An ordinance granting franchise to W. W. McCullough and others to establish, maintain and operate an electric street railway over certain streets and avenues in the City of Monmouth and to furnish power. August 7, 1899. Vol. 3, p. 240.

An ordinance granting franchise to W. J. Ferris and others for the purpose of supplying gas to the said city and the inhabitants thereof. September 4, 1899. Vol. 3, p. 257.

An ordinance to vacate a portion of West Sixth Avenue, and a portion of South E Street. November 21, 1899. Vol. 3, p. 268.

An ordinance extending franchise of Edison Illuminating Company. December 4, 1899. Vol. 3, p. 271.

An ordinance authorizing the city to borrow money for the extension and enlargement of the water works system. February 5, 1900. Vol 3, p. 273.

An ordinance providing for the extension and enlargement of the existing water works system of the City of Monmouth. February 5, 1900. Vol. 3, p. 276.

Be it ordained by the city council of the city of Galesburg, Illinois:

Section 1. That sidewalks be constructed as follows, to-wit:

On the east side of North Prairie st., abutting upon the west end of lot No. two (2) in block No. sixteen (16), in Gale's Second addition to the city of Galesburg. All of said lot, piece and parcel of land situated in the city of Galesburg, Knox county, Illinois.

Section 2. All of the walks mentioned in section 1 of this ordinance shall be five feet in width, and shall be constructed of hard-burned brick, laid upon a suitable bed of cinders and sand, and the interstices filled with sand. The materials used and the construction of all of said sidewalks shall be under the supervision of and subject to the approval of the superintendent of streets.

Section 3. The owners of said lot respectively shall construct said sidewalk in accordance with the specifications set forth in this ordinance within thirty (30) days after the publication of said ordinance, and in default thereof said materials shall be furnished and the said sidewalk shall be constructed by the city.

Section 4. The cost of said sidewalk shall be paid by a special tax, levying upon each of said lots or parcels of lands respectively the entire cost of constructing the walk in front thereof, including labor, material, cost of laying down and supervision.

Section 5. In case any of the owners of any of said lots fail to construct said sidewalks, and their construction by the city, a bill of costs of said sidewalk, showing in separate items the cost of grading, materials, laying down, and supervision, shall be certified to and filed in the office of the city clerk by the superintendent of streets, together with the numbers of said lots and blocks, the names of the owners, and the frontage upon said street. The city clerk shall thereupon issue a warrant directed to the superintendent of streets, for the collection of the amount of said special tax, as ascertained and found due from the owners of said lots to the city.

Section 6. If the superintendent of streets fails to collect said special tax, it shall be the duty of the city clerk, on or before the tenth day of March after the return of the warrant to him by the superintendent of streets, to make a report of said special tax in writing, and in manner provided by law, to the county treasurer of Knox county, Illinois.

Passed in council this 5th day of November, A. D. 1900.

Approved this 12th day of November, A. D. 1900. FLETCHER CARNEY,

Attest: Mayor.

A. W. TRUEDSON, City Clerk.

NANCES.

chise to the Monmouth Gas
ol. 3, p. 285.

on 5 of an ordinance entitled
extension and enlargement of
n of the City of Monmouth,"
2, 1900. Vol. 3, p. 297.

tions 2 and 3 of an ordinance
for the extension and enlarge-
of the City of Monmouth," ap-
19, 1900. Vol. 3, p. 298.

chise to H. H. Pattee for the
r hot water for heating and
Vol. 3, p. 310.

chise to W. W. McCullough for
signals. September 18, 1900.

RULES AND ORDER OF BUSINESS

OF THE

CITY COUNCIL OF MONMOUTH.

ORDER OF BUSINESS.

RULE 1. At the hour appointed for meetings, the clerk shall proceed to call the roll of members, marking the absentees, and announce whether a quorum is present. If a quorum be present the council shall proceed to the business before it. A majority of the members elect shall be necessary to constitute a quorum; less than a quorum may adjourn and compel the attendance of members.

The following shall be the order of business:

1. The reading of the minutes of the proceedings of the last meeting or meetings, amendment and approval of the same.
2. The presentation of petitions and other communications.
3. Reports of city officers.
4. Reports of standing committees.
5. Reports of select committees.
6. Unfinished business of preceding meeting.
7. Miscellaneous resolutions, motions, etc.

RULE 2. All questions relating to the priority of business shall be decided without debate.

DUTIES AND PRIVILEGES OF THE MAYOR

RULE 3. The mayor shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the city council. He shall have the casting vote on all questions upon which the city council is equally divided, but not otherwise.

RULE 4. While the mayor is putting the question no member shall walk across or out of the council room.

OSTEOPATHY,
FRANK CHAPMAN, D. O.
ADA HINCKLEY CHAPMAN, D. O.
Treated.
Rooms—409, 410, 412 Holmes Building, Main St.
Office hours—8 to 11:30 a. m.; 1:30 to 5 p. m.
Sunday excepted.
CONSULTATION FREE.
Phone No. 2264

NANCES.

An ordinance granting franchise to the Monmouth Gas Company. February 19, 1900. Vol. 3, p. 285.

An ordinance to amend Section 5 of an ordinance entitled "An ordinance providing for the extension and enlargement of the existing water works system of the City of Monmouth," passed February 5, 1900. April 2, 1900. Vol. 3, p. 297.

An ordinance amending Sections 2 and 3 of an ordinance entitled "An ordinance providing for the extension and enlargement of the water works system of the City of Monmouth," approved February 6, 1900. April 19, 1900. Vol. 3, p. 298.

An ordinance granting franchise to H. H. Pattee for the purpose of supplying steam or hot water for heating and power purposes June 4, 1900. Vol. 3, p. 310.

An ordinance granting franchise to W. W. McCullough for telephone and other electric signals. September 18, 1900. Vol. 3, p. 320.

RULES AND ORDER OF BUSINESS

OF THE

CITY COUNCIL OF MONMOUTH.

ORDER OF BUSINESS.

RULE 1. At the hour appointed for meetings, the clerk shall proceed to call the roll of members, marking the absentees, and announce whether a quorum is present. If a quorum be present the council shall proceed to the business before it. A majority of the members elect shall be necessary to constitute a quorum; less than a quorum may adjourn and compel the attendance of members.

The following shall be the order of business:

1. The reading of the minutes of the proceedings of the last meeting or meetings, amendment and approval of the same.
2. The presentation of petitions and other communications.
3. Reports of city officers.
4. Reports of standing committees.
5. Reports of select committees.
6. Unfinished business of preceding meeting.
7. Miscellaneous resolutions, motions, etc.

RULE 2. All questions relating to the priority of business shall be decided without debate.

DUTIES AND PRIVILEGES OF THE MAYOR

RULE 3. The mayor shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the city council. He shall have the casting vote on all questions upon which the city council is equally divided, but not otherwise.

RULE 4. While the mayor is putting the question no member shall walk across or out of the council room.

RULE 5. Every member, previous to his speaking, shall rise from his seat, and address himself to the mayor, but shall not proceed with his remarks until recognized and named by the chair.

RULE 6. The mayor shall, when ordered by the council, direct the marshal to have present at its session, any person, books or papers deemed necessary to the proper understanding of any question before it.

RULE 7. When two or more arise at once the mayor shall name the member who is entitled to speak.

DUTIES OF MEMBERS.

RULE 8. Each member, on presenting any communication, resolution or other matter for the consideration and action of the council, shall rise and address the mayor as "Mr. Mayor," and having made such explanation or statement as he shall deem necessary, of the matter he desires to present, shall ask leave to present the same.

RULE 9. No member shall be permitted to speak without rising and addressing the chair in the proper form, nor shall he proceed with his remarks until he is recognized and named by the chair.

RULE 10. No member shall speak more than twice upon the same general question, except by unanimous consent.

RULE 11. A member called to order while speaking, shall, unless permitted to explain, immediately cease speaking and sit down until the point of order is presented and decided. If there be no appeal, the decision of the chair shall be conclusive, but if an appeal be taken from the decision of the chair, the council shall decide on the matter without debate.

RULE 12. While a member is speaking, no member shall hold any private discourse, or pass between the speaker and the chair.

RULE 13. No member shall vote on any matter in which he is directly interested; but he shall, if present, vote on all other questions, unless excused by the council.

RULE 14. No member shall speak to the council unless there be some question then pending before it, except to make an explanation or an inquiry.

RESOLUTIONS, MOTIONS AND ORDINANCES.

RULE 15. All resolutions shall be in writing, and every

motion shall be reduced to writing when requested by the mayor or any alderman.

RULE 16. No motion shall be put and debated unless it is seconded. When a motion is seconded it shall then be stated by the mayor, or be read if reduced to writing by the recorder or the member offering it.

RULE 17. After a motion or resolution has been stated by the mayor, it shall be regarded as properly before the council, but it may be withdrawn at any time before amendment is made to it, or vote taken on it; but if an amendment has been made or a vote taken, it can only be withdrawn by the consent of the council.

RULE 18. On the request of any two members of the council, the yeas and nays shall be taken and entered on the minutes.

RULE 19. If a question under consideration contains more than one distinct proposition, it may be divided upon the request of any member.

RULE 20. When a question is pending or under debate, no other business shall be in order, and no matter shall be entertained except:

First. A motion to adjourn.

Second. To lay on the table.

Third. To postpone indefinitely.

Fourth. The previous question.

Fifth. To refer to a committee.

Sixth. To amend.

Seventh. To adjourn to a particular day.

Such motions shall have precedence in the order herein named, the first, second and fourth to be decided without debate.

QUESTIONS NOT DEBATABLE.

RULE 21. Motions to adjourn, to lay on the table, or for the previous question are not debatable; but when the motion is to adjourn to a certain day, or to lay on the table and publish or to do any other thing, it is then open to amendment and debate.

MOTION TO ADJOURN.

RULE 22. A motion to adjourn is always in order, except when a member has the floor; or, second, While the yeas and nays are being called; or third, When the members are voting; or fourth, When the previous question has been ordered; or fifth, When adjournment was the preceding motion.

PREVIOUS QUESTION.

RULE 23. When the previous question is moved and put, it shall be in the following form: "Shall the main question be now put?" If this is carried, all amendments not acted on, and all further motions or debate shall be at an end, and the question be put without delay.

AMENDMENT.

RULE 24. A motion to amend shall be in order, but to amend an amendment to an amendment shall not be entertained.

RULE 25. Nothing offered as an amendment to any matter before the council will be entertained unless it is germane to such matter.

RECONSIDERATION.

RULE 26. A motion may be made to reconsider at any time during the same meeting, or at the first meeting had thereafter.

RULE 27. A motion to reconsider must be made and seconded by members who voted in the majority, or by those who were absent and did not vote on the matter on which reconsideration is desired.

RULE 28. No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

COMMITTEES.

RULE 29. The mayor shall appoint all committees, unless the council otherwise order.

RULE 30. All standing committees shall be appointed by the mayor annually, on entering upon the duties of his office, and the first named shall be the chairman thereof.

RULE 31. Standing and select committees shall consist of not less than three members.

RULE 32. Standing committees, and select committees, to

whom matters are referred by the council, shall report at the next regular meeting of the council after the reference, unless otherwise instructed, or further time be given.

RULE 33. Such reports shall briefly describe the matter referred to it, and the conclusion to which the committee has come; which conclusion shall be summed up in form of an order, resolution or recommendation.

RULE 34. On the acceptance of a final report from a select committee, the said committee shall be considered discharged, without a vote, unless otherwise ordered.

MISCELLANEOUS.

RULE 35. No person not a member of the council, shall be allowed to speak before the council, except by permission of the council.

RULE 36. Any member may call for the reading of any paper in the possession of the council, bearing upon a question then pending.

RULE 37. In filling blanks the question shall be upon the highest number or the longest time.

RULE 38. All bills and claims against the city shall be referred to some committee, and shall lie over until the next meeting of the council, unless the same shall have been examined by the appropriate committee and payment recommended by a majority of such committee, in which case bills and claims may be passed and allowed, without being referred, at the same meeting at which they are presented.

RULE 39. The foregoing rules may be temporarily suspended by unanimous consent of all members present, but shall not be repealed, altered or amended, unless by concurrence of two thirds of all the Aldermen elected.

INDEX.

The figures refer to the Sections, except where otherwise stated or indicated.

ABATEMENT OF NUISANCES,.....	
.....(Cl. 75 Sections 62,) 452, 851, 852, 853, 854, 856	
ABSENCES, Leave of.....	377
ACCIDENT, etc., improvement in case of	90
ACCOUNT, Settlement of.....	371, 380
ACKNOWLEDGED, Official bonds to be.....	196
ADDITIONS, how laid out, etc.	262, 535
penalty for selling lots in without approval.....	266, 536
ADULTERATION OF FOOD.....	694
ADULTERY (See houses of ill fame).	
ADVERTISEMENTS, not to be injured, defaced, etc.	787
not to be posted on, etc	789
of impounded animals.....	542
ALDERMEN, number of.....	30
term of office.....	31
vacancy in office	32
qualifications of.....	33
not to hold other city office	80, 238
conservators of peace.....	83
compensation of.....	85
not to be interested in city contract.....	83, 78, 239
nor act as attorney to procure.....	239
office of, vacated when convicted of bribery	35
may be expelled, but only once for same offense	35
two, may defer committee report.....	43
may call special meeting of council.....	45
under minority plan.....	54
may call special election.....	60
contesting election of.....	610, 615
may be compelled to attend meeting of council	394
penalty refusing to obey citation.....	395
ALIENS, employment of forbidden.....	195
ALLEYS, throwing filth into, arrest.....	452
AMENDMENT TO COMPLAINT	878
ANIMALS, cruelty to.....	806
neglecting fastened.....	806
hitching to trees and fences	930
leaving horses, etc., unhitched or unguarded.. ..	907

on sidewalks and parks.....	904, 930
dangerous, at large	595
running at large, herding, etc., forbidden.....	537
taken up by police	540
taken up by residents	541
description of estrays posted.....	542
impounding, care, charge for keeping.....	543
release on payment of costs.....	544
trial before magistrate	545
fees and charges	546
marshal assistants.....	547
marshal's monthly report	548
fowls at large	538
dead, left unburied.....	549
pound provided for.....	539
sick with infectious disease to be removed.....	697
cattle, not to keep where unwholesome.....	696
dogs (see dogs)	
ANNEXING AND EXCLUDING TERRITORY, proceedings.....	318-329
APPEAL BOND, city need not give.....	177
to council in license cases.....	726
to finance committee.....	108
APPLICATIONS, for building permits.....	631
licenses.....	719, 736, 746, 752, 759, 775
drain or sewer.....	599, 601
APPOINTMENTS, mayor to make	74
of standing committees	391
board of health.....	445
city collector	368
engineer	368
fire marshal and assistants.....	368
inspector weights and measures.....	368
inspector mineral oils	368
marshal and police.....	462
scavenger	368
sexton.....	368
superintendent of streets	368
superintendent of water works.....	368
weighmaster	368
APPROPRIATIONS, annual by ordinance	89
none for sectarian purposes	p 10
yeas and nays on	41
mayor may veto items of	46, 231
ordinance making to be published	64
additional, to be submitted to people.....	89
expenditures not to exceed—emergency.....	90
salaries may be fixed in	245
may be reduced and revised when.....	310
account of to be kept by city clerk	410
ARBITRATORS, may be chosen to fix damages in fire limits.....	641
fees of, etc.....	642
to be sworn, report of, how made.....	643
ARRESTS, with or without warrant.....	83
may be made by fire marshal or assistants.....	437

for throwing filth in street, etc.....	452
officer may call aid.....	817
ASHES, place for deposit of.....	635
not thrown on streets	790
ASSAULT AND BATTERY, penalty for	812
ASSEMBLY, disturbing	809
ASSIGNATION (See houses of ill fame).	
ATTORNEY, city	Chapter VI
officer not to act as, to procure contract.....	239
AUCTION ON STREETS, none without permit.....	928
AUCTIONEERS, must be licensed.....	718
fee for license.....	733
license may be revoked	726
must not employ bell, gong, etc.....	810
AWNINGS, heighth, material, construction.....	917
BADGES, fire marshal and assistants shall wear.....	437
hackmen shall wear	679
police shall wear	471
BAIL, may be given when arrested.....	880
BALL ALLEYS, etc., licenses required.....	751
keeping without license, penalty.....	751
BARBED WIRE, along street, prohibited.....	918
BELL, GONG OR DRUM, not to be employed for sales.....	810
BENZINE (See Chapter XXXII).	
BICYCLES, injury to.....	827
riding on walks prohibited	910
must have light after dark.....	910
fast or careless riding.....	911
BILL IN CHANCERY to prevent laying of pipes or stringing wires, etc.....	222
BILLIARD TABLES, license fee.....	754
keeping without license, penalty	751
minors not to play.....	755
intoxicated persons not to play.....	756
BILL POSTING, on private property prohibited.....	789
BIRDS, not to be killed, etc.....	784
BOARD OF HEALTH, (See Health Department).	
BONDS, of city officers	75
new city officers, acknowledgement.....	196, 198, 369
release of sureties on.....	197
failure to give new, effects delivered.....	199
city may issue for money borrowed.....	Cl. 5, Section 62
city may issue funding old bonds, etc.....	Cl. 6, Section 63
act to provide for payment of	194, 194a
saloon license	760
wholesale liquor.....	777

inspector of mineral oils to give	460
approval by council	522
city officers shall not be surety on	524
house movers to give	705
cigarette dealers to give	736
druggists to give	746
tapper to give	956
plumbers to give	966
see (official bonds.)	
water works, etc. (see special ordinances.)	
BONFIRES, prohibited	627, 666, 831
BOOKS, city officers, open to examination	92, 100, 103, 375
ordinances to be recorded in	82
city collector to keep	100
comptroller to keep	106
committee on finance to examine	376
committee on finance may prescribe manner of keeping	376
officer, deliver to successor	76, 369
sexton to keep	483
treasurer to keep	92, 500
inspector of weights and measures, to keep	508
for registering estrays, kept by clerk	542
BOWLING ALLEYS, license of, fee	754
BRIBERY, conviction of, ineligible to office	p. 1, Section 4
disqualifies for alderman	33
vacates office of	35
of officer, penalty	79
BROTHELS, (see houses of ill fame.)	
BUILDING, encroachment on streets and alleys	918
may be destroyed when	442
wooden prohibited in fire limits	630
extent of repairs permitted	634
removal within fire limits	634
(See fire limits and fire protection.)	
dilapidated, nuisance	845
unsafe, nuisance	846
BULL, indecent exhibition of	796
BURIAL, (see cemetery.)	
of dead animals	549
BUSINESS PLACES, closed on Sunday	783
BUTTER, unwholesome	694
CABS AND CABMEN, (see hackmen and draymen.)	
CANADA THISTLE etc.	844
CARS, getting on and off while moving	813
not to remain on street crossings	888
speed of train	889
bell on engine to be rung	890
light at night	890
CARTRIDGES, license for sale of	718

CATTLE, herding on streets prohibited	537
to be kept in wholesome place	696
may be inspected	695
CELLAR, foul or unclean, nuisance	851
not to be left open	900
CEMETERY, may be removed	202
may be established, acquire lands, how	203
city, located and fixed	550
burial in without permit unlawful	551
burial permit how obtained	552
no burial except in cemetery and fees paid	553
collector to give receipt for fees	554
permit and receipt entitle party to service of sexton	555
removal of bodies, fees	556
fees for burial	556
penalty for violating ordinances	557
health officer to keep record of permits	558
money for sale of lots, how used	559
"Cemetery fund" kept separate	560
valuation of lots and how sold	561, 562
title to lots, how obtained, etc	563
fees for deed	564, 382
record to be kept	565
public burying ground	567
burial ground for soldiers and sailors	568
non-resident not to be buried in without permit	569
depth of graves	570
depredations and disorders in	571
injuring fence, grave stones, etc	571
planting of shrubs, vines, etc., prohibited	571
digging grave without authority	572
disturbing graves in	573
must enter and depart through gates	574
minors not allowed on ground, except	575
CENSUS, authority to take	175
CESSPOOLS, when nuisance	842
no drainage from	604
not to deposit offal in	689
CHAINMEN, employed by engineer	421
CHANCERY, bill in to prevent laying pipes and stringing wires ...	222
CHANCES, sales dependent upon	816
CHEATS AND SWINDLES	795
CHICKENS, etc., at large	538
CHIMNEYS, (see Fire Limits and Fire Protection.)	
CIGARS, no sale to minors	832
CIGARETTES, no sale to minors	745
license for sale of (see licenses)	736
CIRCUS OR MENAGERIES, license fee	733
CISTERNS, water for	950

CITY, courts take judicial notice of, existence of.....	6
need not give appeal bond.....	177
not to become indebted, etc.	Cl. 5, 62, 91
fiscal and municipal year of.....	359, 360
seal of.....	361
wards of.....	362 to 366
inhabitants of, competent jurors	174
improvements by special assessments,.....	R. S. '99, p. 362
may buy in, special assessments.....	R. S. '99, p. 377
tax payer may enforce right in name of	172
records of, how certified.....	215
taxes to be certified, etc.	111, 291
may establish house of correction	223
may construct sidewalks when	116, 294
may build, purchase or extend water works.....	335 to 338
may levy tax for water supply	336, 349
claims against city, subject to set-off.....	397
CLERK, ordinances deposited in office of	46, 231
when to be elected	49
to notify persons elected or appointed.....	59
may call special election, when	60
may certify ordinances	65
to be elected	92
oaths of officers to be filed with	75, 369
bond of to be filed with treasurer	75, 369
receive certificate of his election from mayor	76
sign commission to officer	76, 369
not to hold any other office	80
duties of-keep seal, make record, etc	81
his certificate under corporate seal evidence	81
keep record of ordinances	82
may administer oaths.....	87
warrants on treasurer, signed by.....	98, 408
give copy of receipts to collector	100
perform duties of city comptroller, prepare estimates.....	104, 106
keep record of city bonds, when.....	106
may appoint subordinates.....	109, 413
certify records, etc.	215, 216
false certificate	218, 381
make special tax list for sidewalks, when	296, 297
issue warrants to collect special tax for sidewalks	297
pay over sidewalk tax to treasurer	297
return delinquent tax for sidewalks, etc.	297
rebate tax on destroyed property, when.....	309
deliver books, etc., to successor.....	369
pay over money and make reports.....	371, 379
report delinquent city officers.....	372
records, books, etc., of may be examined	375
leave of absence, how obtained	377
liable for omission of duty	378
settle, with committee on finance.....	380
to receive fees for city	382, 564
provide ballots for election	404
furnish books and blanks for officers.....	405
attest licenses.....	406
issue notices for council meetings, etc	407
keep accounts and charge officers with money, etc.....	409

keep revenue account and bill book	410
deliver resolutions, ordinances, etc.	411
make list of able bodied males	412
not to be interfered with	439
ex-officio clerk board of health	446
marshal, etc., to submit estimates to	467
sexton to return accounts to	484
treasurer to report delinquent officers to	498
duplicate warrants issued by when	499
inspector of weights, to deliver copy of register to	508
procure standard weights and measures	517
salary of	86, 374, 526
execute a bond	525
affidavit of estrays to be filed with	541
register and post estrays	542
issue burial permit in absence of collector	553
issue receipts in absence of collector	554
attest deeds to cemetery lots	563, 566
fees for same	564
notice of election	609
produce ballots when	615
furnish numbers for drays, etc.	680
applicants for license register with	719
receipt for lieense fee delivered to	723
countersign license	737, 761
record ordinances	82, 858
provide three printed copies of	859
printed ordinances to be deposited with	870
police magistrate and justices to make report to	884
duty to advertise for supplies	933
COAL, fuel, clerk to advertise for	933
penalty for selling less than 2,000 pounds for ton	514
COLLECTOR, to be appointed	368
duties of, reports and statements	100, 101, 102, 371, 379, 414, 415, 416
deliver books and papers	369
report on refusal to pay over or settle	372
salary of	86, 374, 526
books of subject to inspection	375
leave of absence how obtained	377
liable for omission of duty	378
settle with finance committee	380
making false certificate	381
to be charged with monies, accounts, etc.	409
cemetery accounts to be delivered to	484
receipt for cemetery fees	553, 554
keep cemetery money separate	560
record of valuation of cemetry lots to be given to	561
record of sales, etc.	565
register licensed dogs and issue tags	581
cause dog notice to be published	582
certificate of redemption of dog	588
new tag in lieu of lost. delivered	590
license fee to be paid to	733, 737, 750, 753, 777
may be appointed	73, 74
commissioned	76, 370
adjustment of accounts with finance committee	108

may declare water rent forfeited	936
authorize tapping pipes	937
advance payment for water rent to be credited by	938
permit for altering water fixtures	944
application for water made to	946, 947
fine for waste paid to	951
application for manufacturers pipes made to	955
plumbers to make report to	956
notify superintendent of water works of default of payment of water rent	961
COLLECTORS of taxes, settlement with	204, 208
fees of	250, 221
COMBUSTIBLE MATERIAL, in exposed places	666
COMMISSION OF OFFICERS	76, 370
mayor to sign	383
COMMISSIONERS fire, board of	649
COMMITTEES, Council, standing, mayor to appoint	391
COMPLAINTS, form of	68
may be amended	878
COMPTROLLER, if none, clerk shall be	104
CONCEALED WEAPONS, unlawful to carry	828
flourish in threatening manner	828
CONSERVATORS OF PEACE, power	83
CONSTABLE, may serve city process	70
CONTAGIOUS DISEASES, pauper or non-resident notice	451
board of health to make regulations	451
seclusion of infected persons	455
persons recovering from shall not appear	833
attendant shall not appear	834
animals, infected with	697
CONTRACTS, officers not interested in	33, 78, 239, 335
not to make without appropriation	91
void if procured by officer	239
CONVEYANCE real and personal estate	286
CONVICT, to labor on street	883
COUNCIL, messages to	25
how composed	29, 30
term of alderman	31
vacancy in office of alderman	32
qualifications	33
judges of its members	34
rules, expulsions, bribery	35
quorum, compelling attendance	36, 394
meetings of	37, 390
chairman pro tem	38
sit with open doors	39
keep journal	40
yeas and nays to be taken	41
when vote at special meeting may be reconsidered	42
committee report deferred when	43

territorial jurisdiction of	44
special meetings of, how called	45, 393
elect mayor pro tem	17
may disapprove of removal of officer when	20
passing ordinance over veto	47
may divide city into wards	51
designate places of election; give notice	56
appoint judges and clerks of election	56
canvass election returns	57
when no quorum in office; call election	60
call new election	61
general powers of	62
license itinerant merchants	62a
may direct ordinances to be published	65
provide for labor of prisoners	68
jurisdiction over street labor	71, 71a
shall be elected	72
may create and discontinue offices	73
may prescribe duties, etc., of officers	74
oath of	75
journal of, kept by clerk	81
may fix compensation of officers	84, 86
compensation of alderman	85
pass appropriation bill	89
make temporary loan	90
contracting liabilities limited	91
treasurer render account to	95
treasurer's report to	96, 97
fix place of deposit of city money	96
collector to report to	101
define duties of comptroller	105
finance committee of, appeal to	108
may levy and collect taxes	111 to 115
make improvements by special assessments	116
may borrow money to provide water	169, 170, 171
may approve maps, sub-divisions, etc.	173
may remove cemetery when	202
establish cemeteries	203
license fee for saloons to be paid in advance	211
may allow costs in prosecutions	219
on petition may grant leave to lay pipe and string wires	222
may establish houses of correction	223
may not license house of ill-fame	225
may establish free libraries	227
alderman not to hold other office in city	238
may determine when vacancy exists, when	244
fix salaries of city officers	86, 245
may not change salary during term	245
approve appointment of oil inspector	247
fix bond of oil inspector	248
may close public buildings	276
may require flagman, etc., at R. R. crossings	285
may sell real estate	286
pass ordinances in relation to persons in charge of steam boilers	300, 301
power over location of street railroads	304
may vacate streets when	307
rebate taxes, etc., when property destroyed	310

levy sewer tax.....	311, 312
levy tax when city property destroyed.....	314
consent of for erection of poles on street.....	317
annexation of territory by.....	318
disconnect territory.....	329
may provide for issuing warrants in anticipation of taxes....	333
power to supply water, etc.....	335
may acquire water works.....	342
may issue bonds for water works.....	169, 336, 353
buy or construct water works.....	349
fix water rates.....	356
approve official bonds, and require new bonds.....	369, 522
may examine books of officers.....	375
finance committee of may fix manner of keeping books.....	376
finance committee of settle with city officers.....	380
standing committee of and reports of.....	391, 392
finance committee, annual meeting.....	396
collector to report to.....	416
engineer to report to.....	422, 425
fire marshal to report to.....	427
firemen divided into companies by.....	431
sexton to report to.....	484
lost warrants duplicate of.....	499
water works superintendent to report to.....	504
weighmaster to report to.....	520
shall not be surety.....	524
salary of.....	374, 526
determine value of cemetery lots.....	561
provide manner of sale.....	562
assess cemetery lots.....	563
may provide pound.....	586
fix time and place of taking evidence in contest.....	612, 613
grant permits for storing gasoline, etc.....	672
designate place to remove sick and dead animals.....	697
may revoke licenses.....	725
may reinstate license revoked by mayor.....	726
grant license to druggists.....	746
may grant license for billiards, etc.....	752
may revoke same.....	757
grant license for saloons.....	759
may suspend or revoke such licenses.....	762
grant license wholesale liquor dealers.....	775
permits for vault under sidewalk.....	898, 899
to name paper in which to advertise for supplies.....	933
plumbing inspector to report to.....	967
COWS (see animals, parks, streets, pounds.)	
CRIMINALS, reward for.....	388
CROSSINGS, to be cleaned.....	488
railroad company not to obstruct.....	888
vehicles not to stand on.....	904
steam not allowed to escape at.....	891
railroad company to construct and maintain.....	892
manner of constructing.....	892
repair of, notice for.....	892
city may construct, on default.....	892
CURBSTONE, injury to.....	786

CURFEW, (see Chapter XXVII.)	
CUSTODIANS, have care fire apparatus subject	444
wages of	526
uniform	533
DEAD, permit for burial of	552
body not to be removed without permit	551
animals to be removed and buried	549, 697
DEBT, not to be incurred	p. 10
DEED, mayor to execute cemetery	563
DEFENDANT, if name unknown	879
DEPARTMENT OF HEALTH, (see health department.)	
DEPARTMENT OF POLICE, (see police department.)	
DEPOT GROUNDS, soliciting passengers, etc., on	895, 896
unlawful to loaf around	793
DIPHTHERIA, (see infectious diseases, Chapter XI,)	
DISORDERLY HOUSES, (see houses of ill-fame)	814
DOGS, owner to report, register of	580
registering—tags	581
notices to be published	582
owner must provide collar	583
muzzling	584
running at large	585
impounding of	586
marshal to employ assistants	587
redemption from pound, destruction of	588
record of impounding	589
lost tag	590
deception or interference with	591
on owner's premises	592
in heat not to run at large	593
barking and howling, nuisance	594
fierce or dangerous, at large	595
of non-resident not included	597
encouraging to fight	829
DOORS. of public halls to swing out	657
DRAINS, permit to construct and plan	423, 598
plan of construction	599
constructed under direction of street superintendent	600
use of private, compensation	601
permission of council required	602
penalty	603
discharge of noxious matter into	604
discharge of steam into	605
obstructing with solid matter	606
protection of openings	607
within building by licensed plumber	966
DRAM SHOPS, (see licensed saloons)	Chapter XLV and 209 to 214
DRAYMEN, (see hackmen and draymen.)	
DRIVING, fast, penalty	912

DRUGGISTS, permits to sell liquors.....	746
must give bond.....	746
to have prescription of application.....	747
to keep registry of sales.....	748
penalty.....	749
fee for permit.....	750
DRUNKENNESS, public.....	818
DYNAMITE, transportation of and storage of.....	622
concealment of.....	623
negligence in relation to.....	624
amount to be carried at one time.....	624
ELECTION, annual.....	48
of city officers.....	49
polls when open.....	49a
who entitled to vote.....	50
wards.....	51
aldermen at first classified.....	52
minority representation.....	53
aldermen under minority plan.....	54, 54a
place of notice.....	56
manner of conducting.....	57
result—tie.....	58
notice to persons elected or appointed.....	59
when no quorum in office, special election.....	60
special elections.....	61
of police magistrate.....	273
contest of alderman.....	610
city council tribunal of contest.....	34
statement to be filed with city clerk.....	610
copy to be served upon opponent.....	611
procedure.....	612
limit of time for taking proof.....	613
testimony to be filed—referred to committee.....	614
when election void.....	616
ballots to be opened and recounted in contest.....	615
general provisions.....	289, 290
ELECTRIC WIRES AND POSTS, injury to.....	786
light poles, etc., posting bills on prohibited.....	789
EMERGENCY, power to borrow money in.....	90
ENGINEER, CITY, council may provide for.....	73
report of fees, etc.....	86
salary.....	86, 374, 526
to be appointed by mayor.....	367
must deliver books, etc.....	369
pay over moneys.....	371, 379
refusal to pay over reported.....	372
liable for omission of duty.....	378
fraudulent certificate by.....	381
may demand fee.....	382
duties of.....	417
to establish grades, superintend public works, etc.....	418
to inspect material, etc., when required.....	419
keep plats, grades, boundaries, etc.....	420
employ necessary assistants.....	421

make surveys and pay fees to treasurer.....	422
issue permits connecting private drains with public.....	423, 598
verify plats.....	424
make annual report.....	425
bond of.....	525
control of house numbering.....	712, 713
not to be molested.....	830
notice by to railroad company.....	892
builder must get line of street from.....	918
may aid in establishing parkways.....	931
plumbing inspector, his power and duties as such.....	967 to 970, 972
plumbing, etc., tested in presence of.....	994
final test made in presence of.....	997
ENGINEER, R. R., not to obstruct street.....	888
limit of speed.....	889
shall not sound whistle except.....	891
ESTIMATES, city clerk's annual.....	104
superintendent of streets annual.....	496
superintendent of waterworks annual.....	104
city marshal annual.....	467
ESTRAYS, clerk post notice of.....	542
proceedings against.....	545
EVIDENCE of ordinances, ordinances to be.....	64, 65
certified copy of record.....	82
records, how certified.....	215
sworn copies.....	217
reputation, house of ill-fame sufficient.....	801
EXCAVATION, in streets.....	915
EXHIBITIONS, license for.....	718, 733
EXPENDITURES, not to exceed appropriations.....	90
not to be made without appropriation.....	91
EXPLOSIVES, (see Chapter XXXI.)	
FALSE ALARM OF FIRE.....	439
FALSE PERSONATION OF FIREMAN.....	436
FARES, (see hackmen and draymen.)	
FARMERS AND GARDENERS, sales by.....	229, 721, 733
FAST DRIVING, prohibited.....	911, 912
FEEES, not increased nor decreased during term of office.....	
.....pp. 9, 10, Sec.	86
to be reported to mayor.....	86
police magistrate and justices.....	219
of town collector.....	220
of county collector.....	221
of oil inspector.....	526
of health officer and board fixed by council.....	526
of inspector of weights, etc.....	512
of weighmaster.....	526
of city officers for permits, deeds, records and oaths.....	382
for burial of dead.....	556
for removal of bodies.....	556

for license, (see licenses.)	
for surveys	422
of hackmen	681
of draymen	685
of plumbing inspector	969
FENCE, may be destroyed when	442
FENCES, etc., not hitched to	930
line obtained before building	918
hedge or wire—not within five feet	918
FIGHTING, etc.	812
FINANCE, fiscal year	88. 360
annual appropriation ordinance	89
limitation, emergency, borrowing money	90
contracting liabilities limited	91
duties of treasurer	92
separate accounts, by treasurer	93
treasurer shall give receipts	94
treasurer render monthly statements, warrants, etc.	95
treasurer deposit funds separate	96
treasurer's annual report, publication	97
warrants how drawn	98
special assessment fund, kept separate	99
duties of collector	100
collector shall report, publication	101
collector not to detain money, penalty	102
books open to inspection, paying over money	103
duties of comptroller	104
council may define duties of comptroller, transfer of clerk's duties	105
record of bonds issued by city	106
council may require further duties	107
appeal to finance committee	108
committee to be appointed	391
committee meet annually before April 15, examine reports	396
FINES, paid to treasurer	67
how recovered	68
oil inspection, how recovered	254
(see penalties, etc.)	
FIRE ARMS, (see Chapter XXI.)	
cartridges, loaded shells, license for	617
discharging cannon, gun, etc., prohibited	626
firing toy pistol, torpedo, except, etc.	627
selling gun, pistol, etc., to minor prohibited	628
FIRE COMMISSIONERS, (see Chapter XXXIII.)	
FIRE DEPARTMENT, tax insurance companies for	714
established—how constituted	426
fire marshal shall control, annual report	427
may prescribe limits at fire	428
shall investigate fires, keep record	429
general duties of assistant fire marshals	430
firemen divided into companies, number of	431
companies may adopt rules	432
duties of companies in case of fire	433
exempt from labor and jury duty	434

penalty for obstructing hydrants	435
unlawful to personate firemen at fire	436
every person must obey fire marshal at fire—may arrest	437
fire marshal may require aid of licensed teams	438
false alarm of fire	439
no one may offer hindrance at fire	439
shall not injure or interfere with apparatus	439
fire apparatus not to be used for private purposes	440
fire companies and engine, go out of city when	441
may tear down and blow up buildings, etc.	442
penalties	443
custodians, their duties	444
 FIRE LIMITS, what are	 629
building prohibited except as provided	630
fire marshal to grant permits on application	631
how buildings shall be constructed	632
how chimneys shall be built	633
wooden buildings not to be repaired or removed	634
smoke house, etc., to be of stone	635
certain buildings may be wood	636
shelter sheds may be of wood when	637
penalty for violation of chapter	638
roofs	639
damaged building may be condemned	640
arbitrators may be chosen, fees of and proceeding	641 to 645
 FIRE MARSHAL, powers and duties	 Chapter X
to be notified of location of explosives	625
salary	526
bond	525
 FIRE PIPES, may be permitted	 955
 FIRE PROTECTION, fire commissioners constituted	 649
duties of board	650
enforcing orders of board	651
penalty for non-compliance with order	652
inspection of chimneys and flues	653
examination on complaint	654
fire escapes on certain buildings	656
chairs not to be placed in aisles	657
doors of halls, etc., to swing out	657
fire extinguishers required	658
firemen at theaters	659
stairways in public halls	660
exits in public buildings	661
stairways in hotels and lodgings	662
lodging rooms to have rope	663
nightwatchmen in hotels	664
care of ashes	665
care of straw and light combustibles	666
careless use of fire	667
penalties	668
 FIREMEN'S RELIEF FUND	 714, 717
 FIRE WORKS, (see fire arms, etc.)	
not to be set off or exploded, except	627

FISCAL YEAR, defined.....	88
fixed.....	360
FISH, unwholesome prohibited	692
FLAGMEN, may be required at crossings	285
shelter for.....	285
FOOD, (see health.)	
FORNICATION, (see houses of ill-fame.)	
FOWLS, at large	538
FRANCHISES	pp. 253 to 258
FRAUDULENT, certificate by city officer.....	381
FRAUDS IN WEIGHTS AND MEASURES.....	514
FRUIT, not to be sold in wine measures.....	514
GAMES, licensed, (see Chapter XLIV.)	
in dramshops prohibited.....	766
in public places.....	839
GAMING, unlawful to keep device or place for	823
unlawful to engage in.....	824
possession of implements prohibited.....	825
frequenting gaming houses	826
place kept for, nuisance	855
GARBAGE, (see scavenger.)	
GAS, pipes, laying must petition for.....	222
GASOLENE, NAPHTHA, ETC., unlawful to keep more than two	
barrels	669
not more than one barrel above cellar.....	670
not to be stored in front of building, etc.	671
city council may permit more to be stored.....	672
to be sold by daylight only.....	673
penalty.....	674
GATES, not to be swung over walk	929
GRADES, on public square.....	675
of streets.....	676
GRAVES, depth of.....	570
not to be dug in street or alley.....	572
opening of.....	573
digging in lot without authority.....	572
GUN, PISTOL, etc., not to be discharged:.....	626
GUNPOWDER, sale and storage of	617
sign to be shown, sales after night.....	618
concealing.....	619
transporting	620
manufacturing of	621
transportation of dynamite, etc.....	622
concealing powder or explosives	623
negligence with relation to	624
notify fire marshal where stored.....	625
removal in case of fire	625
sale of, license fee	733

GUTTER, not to be obstructed	791, 914
HACK at depot must have placard showing charges	895
HACKMEN AND DRAYMEN, shall carry passengers and goods ...	677
responsible for baggage, etc.	678
shall wear badges	679
licensed vehicles to have numbers	680
hackmen's charges fixed	681
lost articles to be delivered to police by	682
drays to have name and number	683
hacks and vehicles carrying passengers to fair grounds, etc. .	684
draymen's charges fixed	685
this chapter to be posted in vehicles	686
penalty for overcharge	687
drayman defined	730
hackman defined	730
drayman's license fee	733
hackman's license fee	733
HAND BILLS, must not be posted where	789
annoyance by distributing	839
HAWKERS, prohibited	732
HAY, (see wood and coal.)	
stacking in exposed place	666
HEALTH, ordinance may be enforced outside of city	44
offensive water and other liquids	688
garbage not to be thrown in privies	689
privies, where and how built	690
privies, foul to be cleaned	691
unwholesome food not to be sold	692
calves, pigs, etc., age of	693
swill, milk, skimmed, watered, etc.	694
inspection of meats, etc	695
cattle to be kept in wholesome places	696
dying or diseased animals to be removed	697
no building used so as to create nuisance	698
penalty	699
HEALTH DEPARTMENT, established, how constituted, appointed	445
mayor and clerk, president and secretary ex-officio	446
meetings of	447
quorum	448
powers of board	449 to 451
orders of, how executed	452
may order police to inspect streets and premises	452
premises to be kept free from filth, how removed	453
physicians to report contagious diseases	454
seclusion of person infected with contagious diseases	455
notice of—tearing down	455
health officer may compel vaccination	456
penalties	457
health officer to call meetings	458
board to keep correct accounts and make reports	459
compensation of members	526
health officer's bond	525
unlawful to inspect or examine houses of ill-fame	225
board may inspect butcher shops, etc.	695

HEDGES on street line.....	918
HORSES, (see animals Chapter XXV.)	
etc., frightening	785
aid of required to draw fire engines.....	438
fast driving prohibited.....	911
racing.....	912
standing unguarded or unhitched.....	907
diseased to be removed	697
not to be on sidewalks.....	904
not to obstruct cross-walks.....	904
not to be hitched to feed where.....	909
not to be driven or lead on parkways, etc.	930
HOSE, wilfully throwing water from	811
injury to	439
size of—leaky prohibited.....	954
HOSPITAL, public, city may contribute to.....	R. S. '99, p. 252
HOTEL RUNNERS, at depot	893 to 896
HOUSE MOVING, must obtain permit.....	700
route of removal designated.....	701
work diligently prosecuted.....	702
injury and obstruction from.....	703
notice of daily progress.....	704
bond required	705
penalty.....	706
HOUSE NUMBERING	707 to 713
HOUSE OF CORRECTION, may be established	223
HOUSES OF ILL-FAME, power to suppress	(Cl. 45) 62
unlawful to license.....	225
keeping prohibited.....	797
renting buildings for.....	798
inmates.....	799
enticing females to enter	800
declared a nuisance.....	855
abatement of.....	856
HYDRANT, wilfully throwing water from.....	811
injury to	Chapter LVIII.
ICE, (see health.)	728
ILL-FAME, houses of (see houses of ill-fame.)	
IMPRISONMENT, term not to exceed six months	68
none without trial by jury or waiver in writing.....	226
IMPROVEMENTS, made by general and special tax, special assessments, etc., for.....	116
INDEBTEDNESS, cannot be released by general assembly.....	p. 9
private property not liable for.....	p. 10
not to exceed 5 per cent. of valuation.....	p. 10
INDECENT, conduct, dress, language.....	802, 803
pictures, books, etc.....	804
writing or drawing, etc.....	796
place performing, etc.....	805
display of animals.....	796

INFECTIOUS, diseases (see contagious diseases.)

INJURY, to fire apparatus	439
other city property	439
private property	786 to 788
property in cemetery	571
public property	786 to 788

INSPECTOR, MINERAL OILS, appointment and term	247
oath and bond	248
to test	249
test, casks marked, not to trade in	250
keep record	251
misconduct of, penalty	252
sales, etc., illegal without inspection	253
fines how recovered and disposed of	254
oath and bond of	460

INSPECTORS, PLUMBING, (see engineer and plumbing.)	
not to be interested in plumbing	967
to have authority of policeman	967
shall have access to building	968
shall report defective plumbing to mayor	968
shall inspect plumbing, etc., when requested	969
fee for inspection of	969
to see plumbing, etc., tested	994 to 997

INSPECTOR OF WEIGHTS AND MEASURES, office created	367
duties of	506 to 509
not to sell weights and measures	510
inspection but once a year, except	511
fees of inspector	512
all weights and measures to be inspected	513
penalty for using weights and measures not inspected	515
penalty for hindering inspection	516
clerk to procure standard	517

INSPECTION of cattle, meats, milk, fish, fruit, vegetables, etc.... 695

INSURANCE, tax on foreign companies.....714 to 717

INTEREST on warrants..... 334

INTERFERENCE with police.....439, 817

INTOXICATING LIQUOR, supplying to prisoners..... 886

 see licensed druggists.

 see liquors, unlicensed sale of

 see saloons.

 see wholesale liquor dealers.

ITINERANT MERCHANTS, license fee
 733 || who are | 731 |

JACK, indecent display of
 796 || braying of | 849 |

JUDGES OF ELECTION, how appointed
 56 || may appoint clerks to fill vacancies | 57 |
| to make returns | 57 |

JUDGMENT, provide for payment of
 90 || by default, etc. | 880, 882 |

JUNK DEALERS, license fee.....	733
defined.....	872
not to purchase of minor, etc.	876
JURISDICTION, of council.....	44, (Cl. 45) 62
of justices in city cases.....	69, 69 ^a , 273
JURORS, inhabitants of city competent	174
JURY, no imprisonment without, unless waived	226
JUSTICES OF THE PEACE, jurisdiction	69, 69 ^a , 273
jurisdiction in oil inspection cases.....	254
keep docket of city cases	877
report monthly to city clerk	884
pay fines into city treasury	884
fees and compensation.....	526
LABOR of persons on streets	68, 883
penalty for refusing to labor.....	883
on streets, council may require	71 ^a
condition of	71 ^a
list to be made by clerk when	412
superintendent of streets to direct, collect for, etc.....	495
LAMPS, injuring or extinguishing	826
LANDMARKS, removal of prohibited.....	830
LEWD CONDUCT.....	802
LEWD PICTURES	804
LEWD PLAY.....	805
LICENSES, business requiring	718
applicant	719, 736, 746, 752 759, 775
liability of emp'oye or clerk	720
farmers, gardeners, etc., exempt	721
duration of license	722
good moral character, advance payment, signed by clerk and mayor	723
of partners	724
subject to ordinance, transfer, at only one place	725
mayor decide application, revocation, appeal	726
does not permit obstruction of streets, etc.....	727
peddler must use sealed weights, etc.....	728
auctioneer defined	729
hackman defined	730
drayman defined	730
itinerant merchant defined	731
hawkers prohibited	732
fees for several businesses, etc.....	733
to saloons.....	758 to 774 ^a
to druggists	746 to 750
wholesale liquor dealers	775 to 778
may be revoked	726, 757, 762
may be suspended	762
for dogs.....	580, 581, 590
not to be granted for longer term than one year	722
expire when	722, 738, 746, 761, 775
mayor decide on applications for	726
collector's receipt for fee.....	723

LICENSED CIGARETTES	736 to 745
LICENSED, DOGS to be	580
LICENSED DRUGGISTS, permits for sale of liquors may be	
granted	746
to end first Monday of May	746
permit only for sale for medicinal, mechanical, sacramental	
or chemical purposes	746
bond to be given, conditions	746
no liquor to be sold except for medicinal, etc., purposes	747
none to be delivered except at place of business	747
not sold to be drank upon the premises	747
must have written prescription or application	747
book of sales to be kept	748
penalty for violation	749
license fee	750
LICENSED GAMES	751 to 757
enumerated and license required	751
application for to be made to council	752
how granted and used	753
fee for billiard tables, etc.	754
boys under 18 not to play or be in	755
good order kept	756
LICENSED SALOONS, (see saloons.)	758 to 774
fee in advance	211, 723
LICENSED WHOLESALE LIQUOR DEALERS, no license unless	
vote in favor of	775
license fee	776
applicant to give bond	777
not to sell in less quantities	778
no delivery except at place of business	778
not to be drank upon the premises or place of public resort ..	778
not to be sold to minors nor inebriates	778
LIENS FOR PUBLIC IMPROVEMENTS	228
for water rents	959, 960
LIQUOR, unlicensed sale of prohibited	779 to 782
LIGHT, injury to gas or electric	826
interference with signal	826
LIGHTING STREETS, tax for	312
LOCOMOTIVES, (see railroads.)	
LOST WARRANTS, issue of duplicates, etc.	499
MAGISTRATE, to commit prisoners	68
MAILING BOX, injury to	786
MARKETING PRODUCTS, farmers, etc., may	229
MARSHAL, CITY, commissioned	76, 370
conservator of the peace, powers	83
compensation and how paid	86, 374, 526
semi-annual report to mayor	86
devote his whole time to city, general duties	237, 463, 464
to be appointed, term of	367, 368, 462

deliver books to successor	369	
pay over moneys and report to council	371, 379, 464, 466	
failure to pay over reported	372	
books subject to examination	375	
leave of absence, how obtained	377	
liable for omission, etc., of duty	378	
false or fraudulent certificate by	381	
not to be hindered in performance of duty	439, 817	
notice by board of health to be served by	451, 452	
attend meetings of board of health	452	
abate nuisances and examine streets as directed by board of health	452	
arrest persons violating sanitary regulations	452	
notice, etc., to owner of offensive premises	453	
care of patrol wagon and horses	465	
make annual estimate of expenses	467	
bring criminals to justice	469	
police under direction of	470	
arrest offenders with or without warrant	472	
may call aid	472	
direct travel and movement of persons and teams	473	
attend fires	474	
penalties for negligence	475	
bond of	525	
uniform of	529	
to provide pound for animals	539	
shall take up animals	540	
leave description thereof with clerk	542	
animals taken up by, care for	543	
redemption of animals from	544	
animals not redeemed, complaint before magistrate	545	
fees for taking up animals, care of, etc.	543, 546	
may employ assistants in taking up	547	
monthly report to council of animals taken up	548	
shall enforce curfew ordinance	579	
take up and impound dogs	586	
may employ aid in doing so	587	
destroy dogs not redeemed	588	
keep record of dogs impounded	589	
notice of fire department served by	646	
notify owner of offensive privy	691	
may inspect druggists books	748	
to abate nuisances	452, 851, 852, 853, 856	
keeper of city prison	886	
notify owner of unlawful awning	917	
enforce ordinance relating to heavily loaded wagon	924	
MAYOR, qualifications of, term		14
vacancy in office, how filled	15, 16	
mayor pro tem	17	
vacates office by removal	18	
preside in council, casting vote	19	
when may remove officers	20	
power to keep the peace	21, 237	
release of prisoners	22	
general duties	23	
power to examine records, books, etc.	24, 100, 103, 375, 875	
message to council	25	

power to call out militia	26
misconduct in office, penalty	27
not to be interested in contracts	33, 78, 239, 335
may call special meeting of council	45, 393
may veto ordinance and items therein	46, 231
passage of ordinance over veto	47, 232
election of when	48, 49
may appoint time for special election—when	60
to be elected	72
to appoint officers —when	74, 247
bond and oath	75
not to hold other office	80
conservator of peace	83
compensation of	84, 526
officers to report fees, etc., to	86
may administer oaths	87
warrants on treasury must be signed by	98, 408, 497
may determine when vacancy exists in office	244
to appoint board of examiners of plumbers in cities of 10,000 and over	257
may prohibit use of public building unless	276
convey real estate, when	288
may rebate tax when property destroyed	309
may provide map when territory is added	326
notify delinquent officers	373
sign commissions, etc.	76, 368, 383
grant licenses, etc.	384
supervise conduct of officers	385
may grant leave of absence to officers	377
appoint officers, fill vacancies	386
give notice or make demand	387
may offer reward	388
appoint standing committees	391
sign citation for delinquent alderman	394
engineer to report suspension of work to	418
may direct engineer to establish grades	418
may permit fire companies to go out of city limits	441
may direct destruction of buildings	442
may remove custodians	444
to appoint health officers	445
ex-officio president of board of health	446
to approve bond of inspector	248, 460
member police department	461
to appoint police force	462
police subject to order of	463
and council supervise care of patrol wagon, etc.	465
police subject to orders of at fire	474
may direct crossings to be cleaned	488
orders of to superintendent of streets obeyed	490
street superintendent to deliver implements to	493
water superintendent may with consent of, discharge em- ployes	501
water superintendent to deliver implements to	505
not to be accepted as surety on bond to city	524
bond of	525
salary of	526
and marshal to provide pound for estrays	539
and marshal to provide assistants	547

to execute cemetery deeds, ...	563 to 566
permit for burial of non-resident	569
may prohibit dogs running at large	584
or city council to provide dog pound	586
complaint made to, of dog howling, etc.	594
permit by to store or convey explosives	622
permit to use fireworks by	627
member of board of fire commissioners	649
permits by for house moving	700, 701, 705
may revoke licenses	725, 739, 757
decide upon applications for certain licenses	726
may grant license for sale of cigarettes	736
to approve druggists bond	746
may examine books of druggists	748
saloon licenses to be signed by	761
may suspend saloon license	762
may temporarily close saloons, etc.	773
may present copy of ordinances	870
acting mayor, powers of mayor	868
permits by to sell on streets and sidewalks	906
permits by for building material on street	914
permits by for excavations in street	915, 922
permits by for auctioneer on street	928
tapper, appointment by	956
may by proclamation limit or suspend use of water	964
approve bond of plumber	966
notify owner of inspected premises of defective plumbing	969
MEAT; (see health.)	
inspector of	695
MEETING, council to prescribe time and place of	37
vote not to be rescinded at special	42
special. how called, etc.	45, 393, 394
clerk to attend all of council	81
of city council	390
MENAGERIES or circus, license fee	733
MERRY-GO-ROUNDS, license fee	733
METER, when required, rates and advance for	958
injury to	787, 962
MILK, sale of unwholesome, etc., prohibited	694
may be inspected	695
MINERAL OILS, (see Chapters XXII and XXXIV—inspector of.)	
MINORS, not permitted in cemetery grounds alone	575
under 18 not allowed to frequent billiard rooms	755
sale of cigarettes, cigars or tobacco to, prohibited	745, 832
sale of liquor to, prohibited	767
MINORITY REPRESENTATION	53, 54
MISCONDUCT, liability of officers for	378
MISDEMEANORS, not to labor on or to keep open places of busi-	
ness Sunday	783
killing birds and squirrels prohibited	784
exhibitions attracting crowds, etc., frightening horses or in-	
terfering with travel	785

injuring poles, posts, wires, pipes, etc.	786
destroying or mutilating posters, etc.	787
general trespass forbidden.....	787
injury to trees, etc.	788
posting bills without consent.....	789
depositing rubbish, decayed fruit, etc., in streets	790
obstruction of gutters, sewers, etc.....	791
bananna skins, etc., on sidewalk.....	792
lounging in public places.....	793
obstructing entrance to hallways, churches, etc.....	794
vagrants, who, punishment.....	795
cheats and swindlers	795
night walkers, etc.....	795
indecent writing, drawing, etc.....	796
indecent exhibition of stallion, bull, jack, etc.....	796
ill-fame or disorderly house.....	797
leasing premises for use as house of	798
inmate of bawdy house or of assignation.....	799
enticing females to enter.....	800
evidence to establish house of ill-fame.....	801
lewdness—words or act	802
profane or obscene language or disorderly conduct.....	803
obscene publications, implements for immoral use.....	804
lewd plays or performances.....	805
cruelty to animals	806
fraudulent medicines	807
poisonous medicines	808
disturbing religious or other assembly.....	809
disturbing the peace by cursing, fighting, ringing bell for auctions, etc.	810
throwing water upon persons or premises.....	811
fighting or challenging to fight, etc.....	812
getting on cars, sleighs, etc.....	813
permitting disturbance on premises	814
aiding in riot, and disturbance, annoying citizens, etc.....	815
lotteries, etc., setting up or maintaining	816
refusing to aid officers	817
resisting officers, rescuing prisoners.....	817
drunkenness	818
drinking liquors in public or private places	819
allowing persons to drink	820
swindling, cheating, etc.....	821
gambling devices kept	822
gambling	823
possession of gaming instruments.....	824
inmates or solicitors of gambling houses	825
removing or extinguishing lights	826
injuring bicycles by tack, glass, etc.,.....	827
carrying concealed or dangerous weapons.....	828
encouraging dogs to flight	829
hindering officers, removing stone or stake, etc.....	830
burning stable refuse and rubbish	831
selling or furnishing tobacco or cigars to minors	832
persons with infectious disease appearing in public	833
persons attending patients appearing in public	834
offensive or unwholesome business	835
annoyance by peddlers.....	836
annoyance by hand-bill distributors.....	837

keeping more than two swine in pen or near square	838
sports, plays and school grounds	839
improper use of telephone	840
MONEYS, collected on account of city paid into city treasury	371
MUNICIPAL YEAR, defined	176
fixed	359
NAME, change of	234
NIGHT, bicycles not to be ridden without light	910
trains running at	890
walkers, females, etc.	795
saloons shall be kept well lighted at	764
NON-RESIDENTS, not to act as deputy sheriffs, policemen, etc.	235
sick with contagious disease, notice to supervisor	451
NOTICES, of general election	56
to officer when elected or appointed	59
of special elections	61
annexation of territory to city	321
mayor to give	387
for special meeting of council	393
clerk to issue	407
to supervisor by board of health	451
city marshal to serve	452
to railroad company about crossings	892
NUISANCES, pig pens, stable, etc.	841
filthy, foul or offensive matter, cesspool, etc.	842
vehicles loaded with dead hogs	843
noxious weeds	844
dilapidated buildings	845
unsafe buildings	846
slaughter houses, etc.	847
tallow chandlery, offal, rendering, etc.	848
jack, horse, dog, etc., braying, kicking, etc.	849
committing a nuisance	850
abatement of	851
abatement by police	852
abatement without notice	853
keeping rags in store	854
unlawful sale of liquors	855
gambling	855
bawdy house, etc.	855
abatement of gambling rooms, etc.	855
bond for reopening	856
statutory and common law nuisances	857
NUMBERING HOUSES. Chapter XXXIX	707 to 713
OATHS, to be taken by officers	p. 9
of all city officers	75
to be filed with clerk	75
mayor and clerk may administer	87
refusal or neglect to take, vacates office	243
OBSCENE language in public	803
publications, pictures, etc.	804
or lewd plays	805
writing or drawing	796

OBSTRUCTING OFFICERS	817, 830
by standing teams, etc.	904
OFFENSIVE business prohibited	835
premises	841
OFFICERS, term of not to be extended after election	p. 9
fees or salary of not to be changed during office	p. 9, 86 245
who ineligible	pp. 9, 10
how removed and restored	20
misconduct of	27
not to be interested in contracts	33, 78, 239, 335
not to act as attorney to procure	239
what to be elected	49, 72
council may provide additional ones	73
appointments, vacancies, etc	74
oath, bonds	75, 535
commissions of	76, 369, 370
qualifications of	77
bribery, penalty	79, 239, 240
not to hold other office	80, 238
conservators of peace	83
must report fees, etc.	86
contracting liabilities limited	91
release of sureties on bond of	197
failure to give new bond—effects delivered	199
resignations of elective	242
when office becomes vacant	243
duty of sheriffs, marshals, policemen, etc.	237
enumeration of city officers	367
elective and appointive	367
terms of office	368
council may require new bond of	369
to deliver to successor all property, books, etc., ...	369
must turn over moneys	371
proceedings in case of default	372, 373
salary to be paid monthly	374
records open to examination	375
manner of keeping accounts	376
leave of absence	377
misconduct of, liability for loss	378
neglect of duty, council may employ substitute	378
to make annual report	379
settlement of accounts	380
fraudulent certificate by	381
fees of for deeds, permits, etc., for use of city	382
OFFICIAL BONDS, officers to give	522
conditions of	523
no city officer surety on	524
amounts of	525
OILS, MINERAL, inspection of	247, 254, 460
penalties for selling without, etc.	253
ORDINANCES, mayor to see that they are executed	23
police to see that they are executed	469
vote required on passage of	41
yeas and nays to be taken	41
approval, veto	46

to be deposited in clerks's office	46
reconsideration, passing over veto	47
style of	63
publication of, when take effect	64
proof of	65
suit for violation of	66, 68
jurisdiction of justice on	69
to be recorded	82, 858
evidence of passage of	82
annual appropriation ordinance	89
levying tax	111
sidewalk ordinance	294, 295
mayor's bill concerning	231
arrest and imprisonment for violation of	68
annexation ordinance to be recorded	326
disconnecting ordinance to be recorded	330
to be drawn by city attorney	402
proof sheets of newspaper publication preserved	859
ordinance repealing a former one	860
where same offense may be punishable by different sections	861
construction in regard to minimum and maximum fines	862
all apply to the city of Monmouth, except	863
rights and liabilities under and after repeal	864
witness not subject to fine	865
general construction of	866
construction of, general terms and phrases	867
power vested in acting mayor, in marshal	868
where no penalty is provided	869
bound books of ordinances to be deposited with clerk, mayor and council may deliver	870
repealing clause of this ordinance	1000
special ordinance, etc., no repeal	1000
time of passage of this ordinance	1001
special, see	pp. 253 to 258
ORGANIZATION OF CITY, courts to take notice of, ...	6
PARKS AND PARKWAYS, (see streets, etc.)	
PAUPERS, sick with contagious disease, notice to supervisor	451
PAWN-BROKERS, license fee	733
defined	871
duties of	874 to 876
shall not receive or purchase from minor, person intoxicated or thief	876
PEACE, breach of	810, 815
PEDDLERS, license fee	733
annoyance by	836
PENALTY, for misconduct of officer	27
ordinance imposing to be published	64
suits for recovering	66, 68
for bribery, etc.	79
foreign insurance companies	110
general where none specifically provided	869
see misdemeanors, nuisances, etc.	
PERMITS, plumbers must have	255, 259
must have for sewer connection	423, 598, 599, 601

fire company, to go outside of city	441
superintendent of streets may grant, when	491
for burial	551, 552, 554, 555, 569
to plant shade trees in cemetery	571
minors not allowed in cemetery without	575
explosives not to be stored without	622
fireworks shall not be set off without	627
must have for building within fire limits	631
for storing gasoline, etc.	669, 670, 672
house not to be moved without	700, 701, 705
druggists	746
for vaults under sidewalk	898, 899
for sale of fruit, etc., on sidewalk and street	906
for using street, etc., for building material	914
for excavations in street	915
for auctioneer on streets	928
to tap distributing pipes	937
for water connection	938
for alteration, etc., in tap pipe, etc.	944
for furnishing other families with water	947
turning water into service pipe	949
for use of water for sprinkling, etc.	957
 PETITION of property owners to lay gas pipes, string wires, etc.	222
 PHYSICIANS, to report infectious diseases	454
 PICTURES, obscene	804
 PLATS, laying out towns, additions	262
certificate of surveyor, acknowledgment	263
penalty for selling without recording	536, 266
vacation of	267
of part	268, 269
additions must be platted	535
of grades, etc., kept in engineer's office	420
to be verified by engineer	424
 PLUMBERS, (see water department, plumbers.)	
shall be licensed	718
mayor to decide on application	726
license fee	733
must have state certificate	966
must give bond	966
penalty	966
 PLUMBING, engineer to be inspector of	967
engineer to have authority as policeman	967
engineer to issue permits	970
or drainage plans submitted to engineer	599, 970
to be examined for leaks	972
iron pipes may be used when	973
size and material of soil pipe	974
waste pipe, size, etc.	975, 976
waste pipe to have strainer	977
iron pipe, quality and weight	978
traps, clean-outs and supports	979
connections with fixtures	980
offsets, horizontal pipes, recesses and joints	981
Durham system	982

separate trap, distance and clean-outs	983
grease traps	984
syphonage and ante syphon traps	985
revent pipes	986
revent pipes, quality and material	987
rain water leaders	988
subsoil drainage	989
floor and area drains	990
fixtures not to be boxed in	991
water closets	992
outside water closets	993
to be tested	994 to 997
sewer connections and cesspool	998
pipes for future use	999
POISONS, sale of	808
POLICE, removal of by mayor	20
power to make arrests, conservators of the peace	83
non-resident not to be special	235
to serve notice, etc.. from board of health	452
department established	461
appointments	462
special police, appointment, powers and fees of	462
duty of police sergeant to assist marshal	468
sergeant have same general power as marshal	468
duty of police to discover and bring criminals to justice	469
powers of policeman same as city marshal	469
under direction of city marshal, or sergeant	470
must wear star	462, 471
to arrest offenders	472
may require assistance	472
may direct travel, persons, teams, etc.	473
to attend fires	474
penalty for neglect of duty	475
bond of	525
uniform	527 to 532
salary of policemen	526
shall take up stray animals	540
fee for	546
take up and impound dogs	586
refusal to aid	817
obstructing policeman	817, 830
false personation of officer	830
improper conduct towards prisoners	886
have charge of the city prison	886
proceedings when arrests are made	880
may take security	880
see marshal.	
POLICE MAGISTRATE, election and term	273
shall keep docket	877
no suit to be dismissed for informality	878
where defendant's name unknown	879
judgment by default, etc.	880
when complaint is malicious	881
form of judgment	882
shall make monthly report	884
pay to treasurer fines collected	884

PORTERS AND RUNNERS at railway depot.....	893 to 896
POUND, to be provided for animals.....	539, 586
PRISON, CITY, location of.....	885
marshal, etc., keeper of.....	886
expense of keeping.....	887
PRISONERS, release of by mayor.....	22
release on special bail by policeman.....	880
may be required to labor on roads and streets.....	68
PRIVIES, where and how built.....	690
and cesspools, not to deposit offal, etc., in.....	689
offensive.....	691
cleaning of.....	480, 691
not to be cleaned except.....	479
PROFANITY, public.....	803
PROPERTY OWNERS, petition of to lay gas pipe, string wires, etc.....	222
PROSTITUTES, on streets.....	795
PROVISIONS, when unfit for food.....	692 to 694
inspection of.....	695
PUBLIC BUILDINGS, doors to open outwards.....	274
when may be closed.....	276
PUBLIC EXHIBITIONS, license fee.....	733
PUBLIC GROUNDS, riding or driving animals in or through.....	930
PUBLIC WORKS, aliens not to be employed on.....	195
QUALIFICATIONS OF OFFICERS.....	77
RAILROADS, power of council over.....	62
may construct sewers through.....	62
grant right-of-way only on petition of.....	62
starting trains without signal.....	277
stoning train—penalty.....	282
penalty—engineer or conductor violating.....	283
flagman—shelter.....	285
not to obstruct streets.....	282, 888
speed through city.....	284, 889
bell to be rung, shall keep light on moving train.....	890
whistle not to be sounded except.....	891
whistle not sounded nor steam to escape, except.....	891
shall construct and maintain crossings.....	278, 892
neglect to make—notice.....	279, 892
failing to construct, city may construct, etc.....	280, 892
only one runner to each hack at depot.....	893
runners and porters at depot.....	894, 895
REAL AND PERSONAL ESTATE, conveyance of.....	286
RELEASE of prisoners by mayor.....	22
REPEAL of ordinance in force after.....	860
after repeal, rights and liabilities under.....	864
REPORT, officer's annual.....	379
(see title of respective officers.)	

RESIGNATION of officers, who made to	242
RESISTING or obstructing police	817
REVENUE, sections state law applicable to city	292
REWARD for criminal	388
RIOTS, power to suppress	(Cl. 72) 62
punishment for	815
RUBBISH, depositing in streets	790
RULES and order of business of council	pp. 259 to 263
RUNNERS, (see porters and runners,)	
SALARIES, wages, fees	526
payable monthly	374
SALOONS, license fee payable in advance	211, 723
not to be licensed unless voted for	758
application for license, proceedings	759
bonds by applicant	760
license fee for	761
time of expiration of license	761
license for signed by mayor	761
license for may be suspended or revoked	762
officers not to be hindered from entering	762
license for keeping only on first floor	763
only one room to be occupied	764
no obstruction to view of room	764
accessible to police	764
room for must not be connected with other room	764
shall be kept lighted at night	764
not open on Sunday, nor between 10 p. m. and 6 a. m.	765
no games to be played, nor music in	766
minors shall not loiter in nor liquors be sold nor given to or delivered for	767
disturbance in prohibited	768
not to be sold to intoxicated person or one in habit of getting ..	769
any shift to evade shall be unlawful	770
in prosecutions need not state kind of liquor, etc.	771
unlawful to sell after notice by wife or relative	772
mayor may order closed	773
penalty	774
not to sell in quantities exceeding one gallon	774a
SCALES, inspection of	506
SCARLET FEVER' (see infectious diseases and Chapter XI.)	
SCAVENGER, to remove garbage, slops, etc.	476
must provide himself with water tight box or vehicle	477
governed by the board of health	478
no privy vault to be opened between 4 a. m. and 10 p. m.	479
must complete work speedily	479
privies must be cleaned	480
bond of	525
fees of scavenger	526
SCHOOL GROUNDS, games on prohibited, when	839
SEAL, city	361

SEALER OF WEIGHTS AND MEASURES, (see inspector of weights and measures.)	
SERGEANT OF POLICE, (see police.)	
SET-OFFS, claims subject to	397
SEWERS, outlet, reservoirs, etc.....	293
tax for	311
see drains.	
SEXTON, city, have control of cemetery.....	482
shall keep cemetery in good order	482
point out lots for sale and notify clerk when selection made ..	482
on request of owner to keep lot in good order and dig graves..	483
to attend every interment and fill and trim graves	483
shall keep register of persons buried	483
shall keep walks and avenues in good order	483
shall give his entire time to city and may hire help	484
may make contracts for care or improvements of lots, and report bills to clerk	484
shall preserve order in cemetery.....	485
permit by, to plant shrubs, etc.	571
SIDEWALKS, power of council over	62
additional mean5 for construction.....	294 to 299
owner may construct.....	295
in case owner neglects to construct.....	296
special tax, duty of clerk, report	297
general officer to obtain judgment, how	298
when constructed by owner may obtain order.....	299
incumbering with merchandise	897
space under for vaults, permits	898, 899
openings over vaults to be covered	900
when liable for damages	901
openings in to be guarded.....	902
water on.....	903
obstruction by standing team.....	904
driving teams or animal over, except	904
clothing, goods, etc., not allowed on, except.....	905
permits for sale of fruits, etc., may be granted when.....	906
price of permits.....	906
bicycles shall not be ridden on.....	910
building material on	914
guards and danger signals	914
no excavation in without a permit.....	915
excavations to be properly filled.....	916
awnings must be 7 feet over.....	917
gates swinging over.....	929
SHADE TREES, shall not hitch to.....	930
SHELLS—loaded, license	718, 733
SHERIFF—may serve city process.....	70
SHOWS, license fee	733
SLAUGHTER HOUSES when a nuisance.....	847
SLAUGHTERING PROHIBITED	847
SLEIGHS, bells on	913

SLUNGSHOTS	828
SMALL POX, (see health, infectious diseases and Chapter XI.)	
SPECIAL ASSESSMENTS, ...	116
SPECIAL BAIL may be taken	880
SPECIAL ELECTIONS, power to call	60, 61
SPECIAL MEETINGS, (see meetings.)	
SPECIAL ORDINANCES	pp. 253 to 258
SQUIRRELS, injury to or killing	784
STAIRWAYS in public buildings	660, 661
in hotels and lodging houses	662
STALLION, indecent display of	796
STEAM WHISTLES not to be blown except	891
see railroads also.	
STEAM BOILERS, council may provide for examinations, license, etc.	300
STONING TRAIN, penalty	282
STORE, second-hand, license fee	733
defined	873
STOVE PIPES, unlawful to use or erect, except	655
STRAW, stacking in exposed places	666
STREET RAILROADS, eminent domain	302
compensation for property	303
location of road, consent, notice, damages	304
control of streets reserved, police power	305
STREETS, powers concerning	62
labor on	71
permit to laying pipes and stringing wires in on petition	222
vacation of, three-fourths majority	307
telegraph companies, consent to erect poles in	317
encumbering with merchandise	897
openings in to be guarded	902
obstruction by standing team	904
horses, etc., in, to be fastened or guarded	907
turn to right	908
horses, etc., not to be fed on certain streets	909
bicycles, etc., must carry light at night	910
bicycles, dangerous ridding	911
horses, etc., fast driving or riding	911
racing on streets forbidden	912
sleighs, etc., without bells	913
building material on	914
guards and danger signals	914
no excavation in without permit	915
excavations to be properly filled	916
encroachments of buildings and fences upon	918
barbed wire and hedge fence within 5 feet of	918
protecting from danger by excavation	919
removal of building, etc., encroaching on streets	920
penalty for failure to remove	921

closing to travel	922
stone, mortar, etc., hauled in tight box	923
heavy load without wide tires	924
encumbrance or obstruction upon	925
removal of encumbrance, etc.	926
setting of shade trees upon	927
auction on streets, permit	928
gate not to swing over	929
parkways, not to be driven over	930
parkways may be established	931
fire department and police right of way ..	932
sprinkling, how much	953
 STREET WALKERS	 795
SUNDAY, unlawful to labor on or keep open place of business	783
saloons not to be open on	765
intoxicating liquors not to be sold or given away on	778, 781
SUPERINTENDENT OF STREETS, office may be provided for	73
appointed by mayor	74, 367, 368
commissioned	76, 370
salary and how paid	86, 374, 526
deliver books and papers	369
pay money and make reports	371, 379
failure to pay over reported	72
books of subject to inspection	375
leave of absence how obtained	377
liable for omission, etc., of duty	378
false or fraudulent certificate by	381
to be charged with money or property	409
supervise work connecting drains with sewer	423, 600
in absence of engineer may grant permits	491
shall not be hindered in his duty	439
bond of	525
general duties of	486 to 496
convicts to work on streets under	883
notice to railroad authorities by	892
orders by to repair walk over vaults	899
openings in vaults to be under supervision of	900
notice by relating to water on sidewalk	903
permit to have excavations in streets	915
shall notify persons encroaching on streets by building, etc. ...	920
shall remove obstructions on streets when	921
may close street for improvement when	922
cause wagons appearing too heavily loaded, weighed, etc.	924
notify owner of obstruction on street	925
may order obstruction removed	926
may with engineer establish parkways	931
 SUPERINTENDENT OF WATER WORKS, to be appointed	 367
salary and how paid	86, 374, 526
must deliver books and papers	369
commissioned	370
pay over money and make reports	371, 379
failure to pay over reported	372
leave of absence, how obtained	377
liable for omission of duty	378
false certificate by	381
shall be charged with moneys and property	409

shall not be hindered in performance of duty	439, 830
general duties of	501 to 505
shall procure curfew whistle	578
order of to let on water	936, 949
permit to lay water pipe	938
consumers must answer questions	946
may enter consumer's premises	951
manufacturer's fire pipes, permit for	955
permit by to use hose beyond regular hours	957
shall shut off water when	961
may open fire hydrants	963
SUPPLIES, clerk to advertise for bids	933
specifications for proposal for advertising	934
SURETIES, release of	197
SURETY, city officer not to be to city	524
SURVEYS, to be made by engineer	417
fees for	422
SWINE, regulating keeping of	838
TARGET SHOOTING, license fee	733
TAXES, power to levy and collect	(Cl. 3) 62
for judgment and temporary loans	90
ordinance levying	111
how collected	112
time of paying over	113
when levied for particular purposes	114
uniformity	115
city to certify amount required, when	111, 291
for water works	171, 336, 349
rebate of when property destroyed	309
restoration tax for buildings destroyed	314
sewerage	311
water and light	312
double assessment of, payment refunding	Sec. 268, Ch. 120, R. S.
omitted property	Sec. 276, Ch. 120, R. S.
not collected added to subsequent year	Sec. 277, Ch. 120, R. S.
set apart for payment of warrants drawn	333
city may buy in at sales	116
TAXATION, rate of	111
TAX-PAYER, may enforce rights in name of city	172
TELEGRAPH COMPANIES, consent to erect poles, etc	317
TELEPHONE AND TELEGRAPH POLES, injuring	786
posting bills on	789
telephone, improper use of	840
TERRITORY, annexing	318 to 328
excluding	329
TERRITORIAL JURISDICTION	44, (Cl. 45) 62
THEATERS, license of	733
TOBACCO, sale of to minors	832
TOY PISTOLS, sale to minors	628

TRAIN, stoning, penalty	282
starting without signal	277
limit of speed of	284, 889
TREASURER, election of, term, not to serve twice	49, 73
bond—oath of	75, 525
clerk's bond to filed with	75
not to hold any other office	80
books—always subject to inspection	92
to keep separate accounts of fund	93
give receipts	94
monthly statements, vouchers, warrants	95
deposit of funds separate from his	96
annual report—publication	97
warrants on	98, 497
keep special assessment fund separate	99
further duties may be required of	107
appeal to finance committee	108
may appoint subordinates	109
must deliver books and papers	369
make annual report	379
endorse warrant when fund exhausted	497
lost or destroyed warrants, issue of duplicate, etc.	499
books—how kept	500
salary of	526
to keep money from sales of cemetery lots separate	560
dram shop, license fee to be paid to	211
report failure of officer to return money	498
TREES, SHRUBS, injury to	788
shade, not to hitch to	930
shade, setting on streets	927
TRESPASS	787
UNIFORM, police	527 to 532
members of fire department	533
city sexton	534
VACANCY in office	15 to 18
in office of alderman	32, 54
how filled	74
when office becomes vacant	243
who may determine	244
VACATION OF STREETS	307
right of adjoining owners	308
VACCINATION	456
VAGRANTS, defined—punishment	795
VETO, of ordinance	46, 47
VOTE OF COUNCIL, mayor has casting vote	19
two-thirds reinstate officer	20
majority to pass ordinance	41
two-thirds to pass over veto	47
two-thirds create new office and discontinue office	73
two thirds order improvement after appropriations	90
three-fourths to vacate street	307
two-thirds to annex one corporation to another	319

majority to disconnect.....	329
three-fourths for sale of realty, etc.....	286
WARDS, council may divide city into	51
boundaries fixed.....	362 to 366
WARRANTS, for violating ordinance	68
officers to be commissioned by.....	76, 369
treasurer to deposit.....	95
form of for payment of money.....	98
clerk to have charge of.....	104
none to be drawn until report, or when in arrears.....	374
lost, duplicate of.....	499
for collection special sidewalk taxes.....	296
drawn upon treasurer when.....	332
issued in anticipation of taxes.....	333, 935
interest on	334
how treasurer shall pay or endorse.....	497
WATER, power of city to provide supply	169
acquiring property for	170
regulations for use.....	171
fund certificates	344
stream of thrown from hose.....	811
WATER DEPARTMENT, comparative statement of receipts by	
collector	416
rules and regulations of, part of contract with users.....	936
no tap without permit	937
application for permit, how made	938
permit, what to authorize.....	938
service connection, how made and material	939
taps, size of, location	941
stop and waste cock to every supply pipe.....	942
service pipes intended for two families.....	943
no addition or alteration without permit	944
service pipe and fixtures to be kept in good repair	945
application for water made to city collector	946
occupants of other premises not to use without permit.....	947
no claim against city by reason of accident	948
plumbers not to turn on water	949
water for cisterns, etc., how obtained	950
collector or superintendent to be allowed to enter premises.....	951
water not to be wasted.....	951
in case of fire, sprinkling, etc , prohibited.....	952
sprinkling of streets, how much	953
sprinkling by cart.....	953
hose, what to be allowed.....	954
fire pipes for manufactories, provision for.....	955
tapper appointed by mayor, shall execute bond	956
tapper held responsible to city for damages	956
plumber after completing attachment must report to collector	956
annual water rates.....	957
meters, when required, and rates.....	958
cost of meter.....	958
water rates assessed against land.....	959
how suits may be brought, for.....	960
water tax a lien	960
water may be shut off	961
injury or obstruction to hydrants, meters, etc.....	962

hydrants not to be opened.....	963
mayor may limit or suspend the use of water.....	964
receipts to be kept in separate fund.....	965
WATER DEPARTMENT PLUMBERS, (see plumbers, plumbing and inspector.)	
WATER WORKS SUPERINTENDENT, (see superintendent water works.)	501
WEEDS, when nuisance.....	844
WEIGHTS AND MEASURES, (see inspector of weights and meas- ures.)	
WEIGHT, fraudulent certificate of.....	381
WEIGHMASTER, duties of.....	518
no certificate unless.....	519
report monthly and charges.....	520, 521
fees of.....	526
WHISTLES, (see steam whistles.)	
WIRES, stringing prohibited unless petition by property owners ...	222
WITNESS, not subject to fine or penalty, when.....	865
WOOD, COAL AND HAY, (see inspector of weights and measures.) fraudulent weighing or measure of	514
WOODEN BUILDINGS, dilapidated, nuisance.....	845
unsafe	846
see fire limits.	
YEAR, fiscal	88, 360
municipal.....	176, 359
YEAS AND NAYS, to be taken on removal of officers	20
to be demanded by any alderman	41
to be taken on passage of ordinance, etc.....	41
to be taken on passage of ordinance over veto	47
to be taken on ordinance vacating streets.....	307

UNIVERSITY OF ILLINOIS-URBANA
352.0773M7501900 C001
THE MUNICIPAL CODE OF MONMOUTH MONMOUTH



3 0112 025299402